

Senate File 601 - Enrolled

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1 4 RELATING TO STATE AND LOCAL FINANCES BY PROVIDING FOR FUNDING
1 5 OF PROPERTY TAX CREDITS AND REIMBURSEMENTS, BY MAKING,
1 6 INCREASING AND REDUCING APPROPRIATIONS, PROVIDING FOR
1 7 SALARIES AND COMPENSATION OF STATE EMPLOYEES, PROVIDING
1 8 FOR TAX CREDITS, PROVIDING FOR FEES AND PENALTIES, AND
1 9 PROVIDING FOR PROPERLY RELATED MATTERS, AND INCLUDING
1 10 EFFECTIVE DATE PROVISIONS.
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1 12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 13
1 14 DIVISION I
1 15 MH/MR/DD/BI SERVICES ALLOWED
1 16 GROWTH FUNDING == FY 2008=2009
1 17 Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION,
1 18 DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY ALLOWED GROWTH
1 19 APPROPRIATION AND ALLOCATIONS == FISCAL YEAR 2008=2009.
1 20 1. There is appropriated from the general fund of the
1 21 state to the department of human services for the fiscal year
1 22 beginning July 1, 2008, and ending June 30, 2009, the
1 23 following amount, or so much thereof as is necessary, to be
1 24 used for the purpose designated:
1 25 For distribution to counties of the county mental health,
1 26 mental retardation, and developmental disabilities allowed
1 27 growth factor adjustment for fiscal year 2008=2009, and for
1 28 the brain injury services program in the department of public
1 29 health:
1 30 ..... $ 64,600,002
1 31 2. The amount appropriated in this section shall be
1 32 allocated as provided in a later enactment of the general
1 33 assembly.
1 34 DIVISION II
1 35 STANDING APPROPRIATIONS
2 1 AND RELATED MATTERS
2 2 Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2008=2009.
2 3 1. For the budget process applicable to the fiscal year
2 4 beginning July 1, 2008, on or before October 1, 2007, in lieu
2 5 of the information specified in section 8.23, subsection 1,
2 6 unnumbered paragraph 1, and paragraph "a", all departments and
2 7 establishments of the government shall transmit to the
2 8 director of the department of management, on blanks to be
2 9 furnished by the director, estimates of their expenditure
2 10 requirements, including every proposed expenditure, for the
2 11 ensuing fiscal year, together with supporting data and
2 12 explanations as called for by the director of the department
2 13 of management after consultation with the legislative services
2 14 agency.
2 15 2. The estimates of expenditure requirements shall be in a
2 16 form specified by the director of the department of
2 17 management, and the expenditure requirements shall include all
2 18 proposed expenditures and shall be prioritized by program or
2 19 the results to be achieved. The estimates shall be
2 20 accompanied by performance measures for evaluating the
2 21 effectiveness of the programs or results.
2 22 Sec. 3. GENERAL ASSEMBLY == BUILDING SECURITY. Of the
2 23 appropriations made pursuant to section 2.12 for the expenses
2 24 of the general assembly and legislative agencies for the
2 25 fiscal year beginning July 1, 2007, and ending June 30, 2008,
2 26 $775,000 shall be used for capitol building and judicial
2 27 building security.
2 28 Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.
2 29 Notwithstanding the standing appropriations in the following
2 30 designated sections for the fiscal year beginning July 1,
2 31 2007, and ending June 30, 2008, the amounts appropriated from
2 32 the general fund of the state pursuant to these sections for
2 33 the following designated purposes shall not exceed the
2 34 following amounts:
2 35 1. For instructional support state aid under section
3 1 257.20:
3 2 ..... $ 14,428,271
3 3 2. For payment for nonpublic school transportation under
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3 4 section 285.2:
3 5 \$ 8,604,714
3 6 If total approved claims for reimbursement for nonpublic
3 7 school pupil transportation claims exceed the amount
3 8 appropriated in this section, the department of education
3 9 shall prorate the amount of each claim.
3 10 3. For the educational excellence program under section
3 11 294A.25, subsection 1:
3 12 \$ 55,469,053
3 13 4. For the state's share of the cost of the peace
3 14 officers' retirement benefits under section 411.20:
3 15 \$ 2,745,784
3 16 Sec. 5. PROPERTY TAX CREDIT FUND == PAYMENTS IN LIEU OF
3 17 GENERAL FUND REIMBURSEMENT.
3 18 1. a. Notwithstanding section 8.57, prior to the
3 19 appropriation and distribution to the senior living trust fund
3 20 and the cash reserve fund of the surplus existing in the
3 21 general fund of the state at the conclusion of the fiscal year
3 22 beginning July 1, 2006, and ending June 30, 2007, pursuant to
3 23 section 8.57, subsections 1 and 2, of that surplus,
3 24 \$131,868,964 is appropriated to the property tax credit fund
3 25 which shall be created in the office of the treasurer of state
3 26 to be used for the purposes of this section.
3 27 b. Notwithstanding any provision in section 8.57 to the
3 28 contrary in determining the amount of the appropriation to the
3 29 senior living trust fund pursuant to section 8.57, subsection
3 30 2, paragraph "a", the surplus for the fiscal year beginning
3 31 July 1, 2006, shall not include the amount appropriated to the
3 32 property tax credit fund pursuant to paragraph "a" of this
3 33 subsection.
3 34 c. There is appropriated from the general fund of the
3 35 state to the property tax credit fund created in paragraph "a"
4 1 for the fiscal year beginning July 1, 2007, and ending June
4 2 30, 2008, the sum of \$28,000,000.
4 3 2. Notwithstanding the amount of the standing
4 4 appropriation from the general fund of the state in the
4 5 following designated sections and notwithstanding any
4 6 conflicting provisions or voting requirements of section 8.56,
4 7 there is appropriated from the property tax credit fund in
4 8 lieu of the appropriations in the following designated
4 9 sections for the fiscal year beginning July 1, 2007, and
4 10 ending June 30, 2008, the following amounts for the following
4 11 designated purposes:
4 12 a. For reimbursement for the homestead property tax credit
4 13 under section 425.1:
4 14 \$ 99,254,781
4 15 b. For reimbursement for the agricultural land and family
4 16 farm tax credits under sections 425A.1 and 426.1:
4 17 \$ 34,610,183
4 18 c. For reimbursement for the military service tax credit
4 19 under section 426A.1A:
4 20 \$ 2,800,000
4 21 d. For implementing the elderly and disabled tax credit
4 22 and reimbursement pursuant to sections 425.16 through 425.40:
4 23 \$ 23,204,000
4 24 If the director of revenue determines that the amount of
4 25 claims for credit for property taxes due pursuant to
4 26 paragraphs "a", "b", "c", and "d" plus the amount of claims
4 27 for reimbursement for rent constituting property taxes paid
4 28 which are to be paid during the fiscal year may exceed the
4 29 total amount appropriated, the director shall estimate the
4 30 percentage of the credits and reimbursements which will be
4 31 funded by the appropriation. The county treasurer shall
4 32 notify the director of the amount of property tax credits
4 33 claimed by June 8, 2007. The director shall estimate the
4 34 percentage of the property tax credits and rent reimbursement
4 35 claims that will be funded by the appropriation and notify the
5 1 county treasurer of the percentage estimate by June 15, 2007.
5 2 The estimated percentage shall be used in computing for each
5 3 claim the amount of property tax credit and reimbursement for
5 4 rent constituting property taxes paid for that fiscal year.
5 5 If the director overestimates the percentage of funding,
5 6 claims for reimbursement for rent constituting property taxes
5 7 paid shall be paid until they can no longer be paid at the
5 8 estimated percentage of funding. Rent reimbursement claims
5 9 filed after that point in time shall receive priority and
5 10 shall be paid in the following fiscal year.
5 11 3. Notwithstanding any other provision, if the
5 12 Eighty-second General Assembly, 2007 Session, enacts
5 13 legislation that also provides for the appropriation of the
5 14 surplus or any part of the surplus existing in the general

5 15 fund of the state at the conclusion of the fiscal year
 5 16 beginning July 1, 2006, and ending June 30, 2007, the moneys
 5 17 appropriated from such surplus pursuant to subsection 1 shall
 5 18 have priority over all other such appropriations.
 5 19 Sec. 6. UNDERGROUND STORAGE TANK FUND. Notwithstanding
 5 20 section 455G.3, subsection 1, there is transferred from the
 5 21 Iowa comprehensive petroleum underground storage tank fund
 5 22 created in section 455G.3, subsection 1, to the general fund
 5 23 of the state during the fiscal year beginning July 1, 2007,
 5 24 and ending June 30, 2008, the following amount:
 5 25 \$ 3,000,000
 5 26 Sec. 7. CASH RESERVE APPROPRIATION FOR FY 2007=2008. For
 5 27 the fiscal year beginning July 1, 2007, and ending June 30,
 5 28 2008, the appropriation to the cash reserve fund provided in
 5 29 section 8.57, subsection 1, paragraph "a", shall not be made.
 5 30 Sec. 8. Section 8.57A, subsection 4, Code 2007, is amended
 5 31 to read as follows:
 5 32 4. There is appropriated from the rebuild Iowa
 5 33 infrastructure fund for the fiscal year beginning July 1, ~~2000~~
 5 34 ~~2007~~, and for each fiscal year thereafter, the sum of
 5 35 ~~thirty-five~~ forty million dollars to the environment first
 6 1 fund, notwithstanding section 8.57, subsection 6, paragraph
 6 2 "c".
 6 3 Sec. 9. Section 257.35, subsection 4, Code 2007, is
 6 4 amended to read as follows:
 6 5 4. Notwithstanding subsection 1, and in addition to the
 6 6 reduction applicable pursuant to subsection 2, the state aid
 6 7 for area education agencies and the portion of the combined
 6 8 district cost calculated for these agencies for the fiscal
 6 9 year beginning July 1, ~~2006~~ 2007, shall be reduced by the
 6 10 department of management by ~~eight five~~ million two hundred
 6 11 fifty thousand dollars. The reduction for each area education
 6 12 agency shall be prorated based on the reduction that the
 6 13 agency received in the fiscal year beginning July 1, 2003.
 6 14 Sec. 10. AREA EDUCATION AGENCY PAYMENTS. It is the intent
 6 15 of the general assembly that for the fiscal year beginning
 6 16 July 1, 2008, any reduction in state aid to area education
 6 17 agencies and the combined district cost calculated for those
 6 18 agencies over the reduction applicable pursuant to section
 6 19 257.35, subsection 2, shall not exceed \$2.5 million and that
 6 20 for the fiscal year beginning July 1, 2009, there shall be no
 6 21 such additional reduction.
 6 22 Sec. 11. EFFECTIVE DATE. The section of this division of
 6 23 this Act creating the property tax credit fund, being deemed
 6 24 of immediate importance, takes effect upon enactment.
 6 25 DIVISION III
 6 26 SALARIES, COMPENSATION, AND RELATED MATTERS
 6 27 Sec. 12. STATE COURTS == JUSTICES, JUDGES, AND
 6 28 MAGISTRATES.
 6 29 1. The salary rates specified in subsection 2 are for the
 6 30 fiscal year beginning July 1, 2007, effective for the pay
 6 31 period beginning June 29, 2007, and for subsequent fiscal
 6 32 years until otherwise provided by the general assembly. The
 6 33 salaries provided for in this section shall be paid from funds
 6 34 appropriated to the judicial branch from the salary adjustment
 6 35 fund or if the appropriation is not sufficient, from funds
 7 1 appropriated to the judicial branch pursuant to any Act of the
 7 2 general assembly.
 7 3 2. The following annual salary rates shall be paid to the
 7 4 persons holding the judicial positions indicated during the
 7 5 fiscal year beginning July 1, 2007, effective with the pay
 7 6 period beginning June 29, 2007, and for subsequent pay
 7 7 periods.
 7 8 a. Chief justice of the supreme court:
 7 9 \$ 153,109
 7 10 b. Each justice of the supreme court:
 7 11 \$ 146,890
 7 12 c. Chief judge of the court of appeals:
 7 13 \$ 141,731
 7 14 d. Each associate judge of the court of appeals:
 7 15 \$ 136,739
 7 16 e. Each chief judge of a judicial district:
 7 17 \$ 133,619
 7 18 f. Each district judge except the chief judge of a
 7 19 judicial district:
 7 20 \$ 128,544
 7 21 g. Each district associate judge:
 7 22 \$ 113,214
 7 23 h. Each associate juvenile judge:
 7 24 \$ 113,214
 7 25 i. Each associate probate judge:

7 26 \$ 113,214
 7 27 j. Each judicial magistrate:
 7 28 \$ 34,882
 7 29 k. Each senior judge:
 7 30 \$ 7,238
 7 31 3. Persons receiving the salary rates established under
 7 32 this section shall not receive any additional salary
 7 33 adjustments provided by this division of this Act.
 7 34 Sec. 13. APPOINTED STATE OFFICERS. The governor shall
 7 35 establish a salary for appointed nonelected persons in the
 8 1 executive branch of state government holding a position
 8 2 enumerated in the section of this division of this Act that
 8 3 addresses the salary ranges of state officers within the range
 8 4 provided, by considering, among other items, the experience of
 8 5 the individual in the position, changes in the duties of the
 8 6 position, the incumbent's performance of assigned duties, and
 8 7 subordinates' salaries. However, the attorney general shall
 8 8 establish the salary for the consumer advocate, the chief
 8 9 justice of the supreme court shall establish the salary for
 8 10 the state court administrator, the ethics and campaign
 8 11 disclosure board shall establish the salary of the executive
 8 12 director, the Iowa public broadcasting board shall establish
 8 13 the salary of the administrator of the public broadcasting
 8 14 division of the department of education, and the state fair
 8 15 board shall establish the salary of the secretary of the state
 8 16 fair board, each within the salary range provided in the
 8 17 section of this division of this Act that addresses the salary
 8 18 ranges of state officers.
 8 19 The governor, in establishing salaries as provided in the
 8 20 section of this division of this Act that addresses the salary
 8 21 ranges of state officers, shall take into consideration other
 8 22 employee benefits which may be provided for an individual
 8 23 including but not limited to housing.
 8 24 A person whose salary is established pursuant to the
 8 25 section of this division of this Act that addresses the salary
 8 26 ranges of state officers and who is a full-time, year-round
 8 27 employee of the state shall not receive any other remuneration
 8 28 from the state or from any other source for the performance of
 8 29 that person's duties unless the additional remuneration is
 8 30 first approved by the governor or authorized by law. However,
 8 31 this provision does not exclude the reimbursement for
 8 32 necessary travel and expenses incurred in the performance of
 8 33 duties or fringe benefits normally provided to employees of
 8 34 the state.
 8 35 Sec. 14. STATE OFFICERS == SALARY RANGE. The following
 9 1 annual salary ranges are effective for the positions specified
 9 2 in this section for the fiscal year beginning July 1, 2007,
 9 3 and for subsequent fiscal years until otherwise provided by
 9 4 the general assembly. The governor or other person designated
 9 5 in the section of this division of this Act relating to
 9 6 appointed state officers shall determine the salary to be paid
 9 7 to the person indicated at a rate within this salary range
 9 8 from funds appropriated by the general assembly for that
 9 9 purpose.
 9 10 1. The following are salary ranges for appointed state
 9 11 officers for the fiscal year beginning July 1, 2007, effective
 9 12 with the pay period beginning June 29, 2007:
 9 13 SALARY RANGE Minimum Maximum
 9 14 a. Range 1 \$ 9,069 \$ 35,464
 9 15 b. Range 2 \$46,758 \$ 71,552
 9 16 c. Range 3 \$53,768 \$ 82,285
 9 17 d. Range 4 \$61,838 \$ 94,619
 9 18 e. Range 5 \$71,115 \$108,805
 9 19 f. Range 6 \$81,786 \$125,133
 9 20 g. Range 7 \$97,906 \$149,802
 9 21 2. The following are range 1 positions: there are no
 9 22 range 1 positions for the fiscal year beginning July 1, 2007.
 9 23 3. The following are range 2 positions: administrator of
 9 24 the arts division of the department of cultural affairs,
 9 25 administrators of the division of persons with disabilities,
 9 26 the division on the status of women, the division on the
 9 27 status of Iowans of Asian and Pacific Islander heritage, the
 9 28 division on the status of African-Americans, the division of
 9 29 deaf services, and the division of Latino affairs of the
 9 30 department of human rights.
 9 31 4. The following are range 3 positions: administrator of
 9 32 the division of criminal and juvenile justice planning of the
 9 33 department of human rights, administrator of the division of
 9 34 community action agencies of the department of human rights,
 9 35 executive director of the department of veterans affairs, and
 10 1 chairperson and members of the employment appeal board of the

10 2 department of inspections and appeals.

10 3 5. The following are range 4 positions: director of the
10 4 department of human rights, director of the Iowa state civil
10 5 rights commission, executive director of the college student
10 6 aid commission, director of the department for the blind,
10 7 executive director of the ethics and campaign disclosure
10 8 board, members of the public employment relations board, and
10 9 chairperson, vice chairperson, and members of the board of
10 10 parole.

10 11 6. The following are range 5 positions: administrator of
10 12 the division of homeland security and emergency management of
10 13 the department of public defense, state public defender, drug
10 14 policy coordinator, labor commissioner, workers' compensation
10 15 commissioner, director of the department of cultural affairs,
10 16 director of the department of elder affairs, director of the
10 17 law enforcement academy, and administrator of the historical
10 18 division of the department of cultural affairs.

10 19 7. The following are range 6 positions: director of the
10 20 Iowa energy independence office, superintendent of banking,
10 21 superintendent of credit unions, administrator of the
10 22 alcoholic beverages division of the department of commerce,
10 23 director of the department of inspections and appeals,
10 24 commandant of the Iowa veterans home, commissioner of public
10 25 safety, commissioner of insurance, executive director of the
10 26 Iowa finance authority, director of the department of natural
10 27 resources, consumer advocate, and chairperson of the utilities
10 28 board. The other members of the utilities board shall receive
10 29 an annual salary within a range of not less than 90 percent
10 30 but not more than 95 percent of the annual salary of the
10 31 chairperson of the utilities board.

10 32 8. The following are range 7 positions: administrator of
10 33 the public broadcasting division of the department of
10 34 education, director of the department of corrections, director
10 35 of the department of education, director of human services,
11 1 director of the department of economic development, executive
11 2 director of the Iowa telecommunications and technology
11 3 commission, executive director of the state board of regents,
11 4 director of transportation, director of the department of
11 5 workforce development, director of revenue, director of public
11 6 health, state court administrator, secretary of the Iowa state
11 7 fair board, director of the department of management, and
11 8 director of the department of administrative services.

11 9 Sec. 15. COLLECTIVE BARGAINING AGREEMENTS FUNDED ==
11 10 GENERAL FUND. There is appropriated from the general fund of
11 11 the state to the salary adjustment fund for distribution by
11 12 the department of management to the various state departments,
11 13 boards, commissions, councils, and agencies, including the
11 14 state board of regents and the judicial branch, for the fiscal
11 15 year beginning July 1, 2007, and ending June 30, 2008, the
11 16 amount of \$106,848,094, or so much thereof as may be
11 17 necessary, to fully fund annual pay adjustments, expense
11 18 reimbursements, and related benefits implemented pursuant to
11 19 the following:

11 20 1. The collective bargaining agreement negotiated pursuant
11 21 to chapter 20 for employees in the blue collar bargaining
11 22 unit.

11 23 2. The collective bargaining agreement negotiated pursuant
11 24 to chapter 20 for employees in the public safety bargaining
11 25 unit.

11 26 3. The collective bargaining agreement negotiated pursuant
11 27 to chapter 20 for employees in the security bargaining unit.

11 28 4. The collective bargaining agreement negotiated pursuant
11 29 to chapter 20 for employees in the technical bargaining unit.

11 30 5. The collective bargaining agreement negotiated pursuant
11 31 to chapter 20 for employees in the professional fiscal and
11 32 staff bargaining unit.

11 33 6. The collective bargaining agreement negotiated pursuant
11 34 to chapter 20 for employees in the clerical bargaining unit.

11 35 7. The collective bargaining agreement negotiated pursuant
12 1 to chapter 20 for employees in the professional social
12 2 services bargaining unit.

12 3 8. The collective bargaining agreement negotiated pursuant
12 4 to chapter 20 for employees in the community-based corrections
12 5 bargaining unit.

12 6 9. The collective bargaining agreements negotiated
12 7 pursuant to chapter 20 for employees in the judicial branch of
12 8 government bargaining units.

12 9 10. The collective bargaining agreement negotiated
12 10 pursuant to chapter 20 for employees in the patient care
12 11 bargaining unit.

12 12 11. The collective bargaining agreement negotiated

12 13 pursuant to chapter 20 for employees in the science bargaining
12 14 unit.

12 15 12. The collective bargaining agreement negotiated
12 16 pursuant to chapter 20 for employees in the university of
12 17 northern Iowa faculty bargaining unit.

12 18 13. The collective bargaining agreement negotiated
12 19 pursuant to chapter 20 for employees in the state university
12 20 of Iowa graduate student bargaining unit.

12 21 14. The collective bargaining agreement negotiated
12 22 pursuant to chapter 20 for employees in the state university
12 23 of Iowa hospital and clinics tertiary health care bargaining
12 24 unit.

12 25 15. The annual pay adjustments, related benefits, and
12 26 expense reimbursements referred to in the sections of this
12 27 division of this Act addressing noncontract state and board of
12 28 regents employees who are not covered by a collective
12 29 bargaining agreement.

12 30 Of the amount appropriated in this section, \$6,771,248
12 31 shall be allocated to the judicial branch for the purposes of
12 32 funding annual pay adjustments, expense reimbursements, and
12 33 related benefits implemented for judicial branch employees.

12 34 Sec. 16. NONCONTRACT STATE EMPLOYEES == GENERAL.

12 35 1. a. For the fiscal year beginning July 1, 2007, the
13 1 maximum and minimum salary levels of all pay plans provided
13 2 for in section 8A.413, subsection 2, as they exist for the
13 3 fiscal year ending June 30, 2007, shall be increased by 3
13 4 percent for the pay period beginning June 29, 2007, and any
13 5 additional changes in the pay plans shall be approved by the
13 6 governor.

13 7 b. For the fiscal year beginning July 1, 2007, employees
13 8 may receive a step increase or the equivalent of a step
13 9 increase.

13 10 c. Notwithstanding the increase in paragraph "a",
13 11 noncontract judicial branch employees shall receive increases
13 12 similar to those employees covered by collective bargaining
13 13 agreements negotiated by the judicial branch.

13 14 2. The pay plans for state employees who are exempt from
13 15 chapter 8A, subchapter IV, and who are included in the
13 16 department of administrative service's centralized payroll
13 17 system shall be increased in the same manner as provided in
13 18 subsection 1, and any additional changes in any executive
13 19 branch pay plans shall be approved by the governor.

13 20 3. This section does not apply to members of the general
13 21 assembly, board members, commission members, salaries of
13 22 persons set by the general assembly pursuant to this division
13 23 of this Act or set by the governor, or other persons
13 24 designated in the section of this division of this Act
13 25 addressing appointed state officers, employees designated
13 26 under section 8A.412, subsection 5, and employees covered by
13 27 11 IAC 53.6(3).

13 28 4. The pay plans for the bargaining eligible employees of
13 29 the state shall be increased in the same manner as provided in
13 30 subsection 1, and any additional changes in such executive
13 31 branch pay plans shall be approved by the governor. As used
13 32 in this section, "bargaining eligible employee" means an
13 33 employee who is eligible to organize under chapter 20, but has
13 34 not done so.

13 35 5. The policies for implementation of this section shall
14 1 be approved by the governor.

14 2 Sec. 17. STATE EMPLOYEES == STATE BOARD OF REGENTS. Funds
14 3 from the appropriation made from the general fund of the state
14 4 in the section of this division of this Act providing for
14 5 funding of collective bargaining agreements shall be allocated
14 6 to the state board of regents for the purposes of providing
14 7 increases for state board of regents employees covered by such
14 8 section of this division of this Act and for state board of
14 9 regents employees not covered by a collective bargaining
14 10 agreement as follows:

14 11 1. For regents merit system employees and merit
14 12 supervisory employees to fund for the fiscal year increases
14 13 comparable to those provided for similar contract-covered
14 14 employees in this division of this Act.

14 15 2. For faculty members and professional and scientific
14 16 employees to fund for the fiscal year percentage increases
14 17 comparable to those provided for contract-covered employees in
14 18 the university of northern Iowa faculty bargaining unit.

14 19 Sec. 18. APPROPRIATIONS FROM ROAD FUNDS.

14 20 1. There is appropriated from the road use tax fund to the
14 21 salary adjustment fund for the fiscal year beginning July 1,
14 22 2007, and ending June 30, 2008, the following amount, or so
14 23 much thereof as may be necessary, to be used for the purpose

14 24 designated:
14 25 To supplement other funds appropriated by the general
14 26 assembly:
14 27 \$ 2,294,814
14 28 2. There is appropriated from the primary road fund to the
14 29 salary adjustment fund, for the fiscal year beginning July 1,
14 30 2007, and ending June 30, 2008, the following amount, or so
14 31 much thereof as may be necessary, to be used for the purpose
14 32 designated:
14 33 To supplement other funds appropriated by the general
14 34 assembly:
14 35 \$ 11,788,266
15 1 3. Except as otherwise provided in this division of this
15 2 Act, the amounts appropriated in subsections 1 and 2 shall be
15 3 used to fund the annual pay adjustments, expense
15 4 reimbursements, and related benefits for public employees as
15 5 provided in this division of this Act.
15 6 Sec. 19. SPECIAL FUNDS == AUTHORIZATION. To departmental
15 7 revolving, trust, or special funds, except for the primary
15 8 road fund or the road use tax fund, for which the general
15 9 assembly has established an operating budget, a supplemental
15 10 expenditure authorization is provided, unless otherwise
15 11 provided, in an amount necessary to fund salary adjustments as
15 12 otherwise provided in this division of this Act.
15 13 Sec. 20. GENERAL FUND SALARY MONEYS. Funds appropriated
15 14 from the general fund of the state for distribution from the
15 15 salary adjustment fund in the section of this division of this
15 16 Act providing for funding of collective bargaining agreements
15 17 relate only to salaries supported from general fund
15 18 appropriations of the state. Funds appropriated from the
15 19 general fund of the state for employees of the state board of
15 20 regents relate only to salaries supported from general fund
15 21 appropriations of the state and shall exclude general
15 22 university indirect costs and general university federal
15 23 funds.
15 24 Sec. 21. FEDERAL FUNDS APPROPRIATED. All federal grants
15 25 to and the federal receipts of the agencies affected by this
15 26 division of this Act which are received and may be expended
15 27 for purposes of this division of this Act are appropriated for
15 28 those purposes and as set forth in the federal grants or
15 29 receipts.
15 30 Sec. 22. STATE TROOPER MEAL ALLOWANCE. The sworn peace
15 31 officers in the department of public safety who are not
15 32 covered by a collective bargaining agreement negotiated
15 33 pursuant to chapter 20 shall receive the same per diem meal
15 34 allowance as the sworn peace officers in the department of
15 35 public safety who are covered by a collective bargaining
16 1 agreement negotiated pursuant to chapter 20.
16 2 Sec. 23. STATE POLICE OFFICER COUNCIL BARGAINING UNIT ==
16 3 OVERTIME. Of the funds appropriated from the general fund of
16 4 the state in the section of this division of this Act
16 5 providing for funding of collective bargaining agreements, the
16 6 following amount, or so much thereof as is necessary, shall be
16 7 allocated to the department of public safety, division of
16 8 state patrol, to be used for the purpose designated:
16 9 To provide for expenditures related to the payment of
16 10 overtime for uniformed peace officers covered by a collective
16 11 bargaining agreement:
16 12 \$ 400,000
16 13 Sec. 24. SALARY MODEL ADMINISTRATOR. The salary model
16 14 administrator shall work in conjunction with the legislative
16 15 services agency to maintain the state's salary model used for
16 16 analyzing, comparing, and projecting state employee salary and
16 17 benefit information, including information relating to
16 18 employees of the state board of regents. The department of
16 19 revenue, the department of administrative services, the five
16 20 institutions under the jurisdiction of the state board of
16 21 regents, the judicial district departments of correctional
16 22 services, and the state department of transportation shall
16 23 provide salary data to the department of management and the
16 24 legislative services agency to operate the state's salary
16 25 model. The format and frequency of provision of the salary
16 26 data shall be determined by the department of management and
16 27 the legislative services agency. The information shall be
16 28 used in collective bargaining processes under chapter 20 and
16 29 in calculating the funding needs contained within the annual
16 30 salary adjustment legislation. A state employee organization
16 31 as defined in section 20.3, subsection 4, may request
16 32 information produced by the model, but the information
16 33 provided shall not contain information attributable to
16 34 individual employees.

16 35 Sec. 25. Section 20.5, subsection 3, Code 2007, is amended
17 1 to read as follows:
17 2 3. In selecting the members of the board, consideration
17 3 shall be given to their knowledge, ability, and experience in
17 4 the field of labor-management relations. The chairperson and
17 5 the remaining two members shall ~~each receive an annual salary~~
~~17 6 as set by the general assembly be compensated as provided in~~
~~17 7 section 7E.6, subsection 5.~~
17 8 Sec. 26. Section 99D.6, Code 2007, is amended to read as
17 9 follows:
17 10 99D.6 CHAIRPERSON == ADMINISTRATOR == EMPLOYEES == DUTIES
17 11 == BOND.
17 12 The commission shall elect in July of each year one of its
17 13 members as chairperson for the succeeding year. The
17 14 commission shall appoint an administrator of the commission
17 15 subject to confirmation by the senate. The administrator
17 16 shall serve a four-year term. The term shall begin and end in
17 17 the same manner as set forth in section 69.19. A vacancy
17 18 shall be filled for the unexpired portion of the term in the
17 19 same manner as a full-term appointment is made. The
17 20 administrator may hire other assistants and employees as
17 21 necessary to carry out the commission's duties. Employees in
17 22 the positions of equine veterinarian, canine veterinarian, and
17 23 equine steward shall be exempt from the merit system
17 24 provisions of chapter 8A, subchapter IV, and shall not be
17 25 covered by a collective bargaining agreement. Some or all of
17 26 the information required of applicants in section 99D.8A,
17 27 subsections 1 and 2, may also be required of employees of the
17 28 commission if the commission deems it necessary. The
17 29 administrator shall keep a record of the proceedings of the
17 30 commission and preserve the books, records, and documents
17 31 entrusted to the administrator's care. The administrator
17 32 shall be covered by the blanket surety bond of the state
17 33 purchased pursuant to section 8A.321, subsection 13. ~~Subject~~
~~17 34 to the approval of the governor, the commission shall fix the~~
~~17 35 compensation of the administrator within the salary range as~~
~~18 1 set by the general assembly. The compensation and employment~~
~~18 2 terms of the administrator shall be set by the governor,~~
~~18 3 taking into consideration the level of knowledge and~~
~~18 4 experience of the administrator.~~ The commission shall have
18 5 its headquarters in the city of Des Moines and shall meet in
18 6 July of each year and at other times and places as it finds
18 7 necessary for the discharge of its duties.
18 8 Sec. 27. Section 421.1A, subsection 6, Code 2007, is
18 9 amended to read as follows:
18 10 6. The members of the property assessment appeal board
18 11 shall receive compensation from the state commensurate with
18 12 the salary of a district judge through December 31, 2013. The
18 13 members of the board shall be considered state employees for
18 14 purposes of salary and benefits. The members of the board and
18 15 any employees of the board, when required to travel in the
18 16 discharge of official duties, shall be paid their actual and
18 17 necessary expenses incurred in the performance of duties.
18 18 Sec. 28. Section 602.1301, subsection 2, paragraph b, Code
18 19 2007, is amended to read as follows:
18 20 b. Before December 1, the supreme court shall submit to
18 21 the director of management an estimate of the total
18 22 expenditure requirements of the judicial branch including a
~~18 23 detailed listing of requested increases in salaries of all~~
~~18 24 judges and magistrates for the succeeding fiscal year.~~ The
18 25 director of management shall submit this estimate received
18 26 from the supreme court to the governor for inclusion without
18 27 change in the governor's proposed budget for the succeeding
18 28 fiscal year. The estimate shall also be submitted to the
18 29 chairpersons of the committees on appropriations.
18 30 DIVISION IV
18 31 OTHER APPROPRIATIONS
18 32 AND RELATED MATTERS
18 33 Sec. 29. CAPITOL COMPLEX SHUTTLE. There is appropriated
18 34 from the general fund of the state to the department of
18 35 administrative services for the fiscal year beginning July 1,
19 1 2007, and ending June 30, 2008, the following amount, or so
19 2 much thereof as is necessary, to be used for the purpose
19 3 designated:
19 4 For the state's share of support in conjunction with the
19 5 city of Des Moines and local area businesses to provide a free
19 6 shuttle service to the citizens of Iowa visiting the capitol
19 7 complex that includes transportation between the capitol
19 8 complex and the downtown Des Moines area:
19 9 \$ 120,000
19 10 Details for the shuttle service, including the route to be

19 11 served, shall be determined pursuant to an agreement to be
19 12 entered into by the department with the Des Moines area
19 13 regional transit authority (DART) and any other participating
19 14 entities.

19 15 Sec. 30. INTERPRETERS FOR THE DEAF. There is appropriated
19 16 from the general fund of the state to the department of
19 17 education for the fiscal year beginning July 1, 2007, and
19 18 ending June 30, 2008, the following amount, or so much thereof
19 19 as is necessary, to be used for the purpose designated:

19 20 Due to the high numbers of articulation agreements between
19 21 the state school for the deaf and Iowa western community
19 22 college, for allocation for arrangements made between the
19 23 state school for the deaf and Iowa western community college
19 24 for deaf interpreters:

19 25 \$ 200,000

19 26 Sec. 31. COMMUNITY COLLEGE SALARIES. There is
19 27 appropriated from the general fund of the state to the
19 28 department of education for the fiscal year beginning July 1,
19 29 2007, and ending June 30, 2008, the following amount, or so
19 30 much thereof as is necessary, to be used for the purpose
19 31 designated:

19 32 For distribution to community colleges to supplement
19 33 faculty salaries:

19 34 \$ 2,000,000

19 35 1. Moneys appropriated in this section shall be
20 1 distributed among each community college based on the
20 2 proportional share of that community college's total salary
20 3 expenditures in the instructional and instructional part-time
20 4 categories in the education functions of liberal arts and
20 5 sciences and vocational-technical bears to the total salary
20 6 expenditures for all community colleges in the education
20 7 functions of liberal arts and sciences and
20 8 vocational-technical in the fiscal year prior to the base
20 9 year, as determined by the department of education.

20 10 2. Moneys distributed to each community college under this
20 11 section shall then be rolled into that base funding allocation
20 12 for all future years. The use of the funds shall remain as
20 13 described in this section for all future years.

20 14 3. Moneys appropriated and distributed to community
20 15 colleges under this section shall be used to supplement and
20 16 not supplant any approved faculty salary increases or
20 17 negotiated agreements, excluding the distribution of the funds
20 18 in this section.

20 19 4. Moneys distributed to a community college under this
20 20 section shall be allocated to all full-time, nonadministrative
20 21 instructors and part-time instructors covered by a collective
20 22 bargaining agreement. The moneys shall be allocated by
20 23 negotiated agreements according to chapter 20. If no language
20 24 exists, the moneys shall be allocated equally to all
20 25 full-time, nonadministrative instructors with part-time
20 26 instructors covered by a collective bargaining agreement
20 27 receiving a prorated share of the fund.

20 28 Sec. 32. DEPARTMENT OF ELDER AFFAIRS.

20 29 1. There is appropriated from the general fund of the
20 30 state to the department of elder affairs for the fiscal year
20 31 beginning July 1, 2007, and ending June 30, 2008, the
20 32 following amount, or so much thereof as is necessary, to be
20 33 used for the purposes designated:

20 34 To join in a partnership with a county described in
20 35 subsection 2 to be used to fund a livable community initiative
21 1 and hire a full-time professional aging specialist for the
21 2 initiative:

21 3 \$ 50,000

21 4 2. The county eligible for the appropriation in subsection
21 5 1 shall meet all of the following qualifications:

21 6 a. Have a livable community initiative, supported by the
21 7 county board of supervisors, the area agency on aging, the
21 8 united way, the county public health department and others.

21 9 b. Have completed a market analysis on successful aging
21 10 and issued reports containing future directions for housing,
21 11 transportation, health and supportive services, and successful
21 12 aging.

21 13 c. Have organized action teams who are developing action
21 14 plans to implement the priorities established at a countywide
21 15 planning session with national leadership.

21 16 3. The purpose of the professional aging specialist hired
21 17 under this section is to help in the implementation of the
21 18 action plans being developed and to work with the
21 19 governmental, business, educational, health, religious,
21 20 social, leisure, and service segments of the urban-rural
21 21 county to create a replicable and portable model of a livable

community where persons can age successfully.

Sec. 33. ALL IOWA OPPORTUNITY ASSISTANCE PROGRAM. If 2007 Iowa Acts, Senate File 588, is enacted and provides for an appropriation from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2007, and ending June 30, 2008, for the all Iowa opportunity assistance program, there is appropriated to supplement that appropriation as follows:

For purposes of the all Iowa opportunity assistance program, which includes the all Iowa opportunity foster care grant program established pursuant to section 261.6 and the all Iowa opportunity scholarship program established pursuant to section 261.88, if sections 261.6 and 261.88 are enacted by 2007 Iowa Acts, Senate File 588:

..... \$ 500,000

The moneys appropriated in this section shall be used for the all Iowa opportunity scholarship program established pursuant to section 261.88, if enacted.

Sec. 34. BEFORE AND AFTER SCHOOL GRANT PROGRAM. If 2007 Iowa Acts, Senate File 588, is enacted and provides for an appropriation from the general fund of the state to the department of education for the fiscal year beginning July 1, 2007, and ending June 30, 2008, for the before and after school grant program, there is appropriated to supplement that appropriation as follows:

For the before and after school grant program established pursuant to section 256.26, if enacted by 2007 Iowa Acts, Senate File 588:

..... \$ 295,000

Sec. 35. FARM MEDIATION. If 2007 Iowa Acts, Senate File 575, is enacted and provides for an appropriation from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2007, and ending June 30, 2008, for the purpose of funding farm mediation services, there is appropriated to supplement that appropriation as follows:

For the purpose of funding farm mediation services and other farm assistance program provisions in accordance with sections 13.13 through 13.24:

..... \$ 150,000

Sec. 36. DEPARTMENT OF PUBLIC HEALTH == 211 PROGRAM. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For award to 211 nonprofit call centers providing human services information for citizens of this state, in accordance with this section:

..... \$ 200,000

1. The amount appropriated in this section shall be awarded to 211 call centers that apply for funding under this section and meet the criteria for the funding established by the department in consultation with an industry advisory committee. The committee shall consist of two members who are executive officers from a statewide organization that provided funding to 211 call centers during calendar year 2006, one member representing the department of elder affairs, one member representing the board of directors of a nonprofit call center in this state, and an Iowa member representing the alliance of information and referral systems. The committee shall assist the department in reviewing funding applications and awarding the funds.

2. The department shall submit a report to the governor and general assembly providing detailed information concerning the funding distributed to call centers under this section, addressing the purposes for which the funding was used, the call volume for each call center, and the subject addressed by the calls.

Sec. 37. JUDICIAL BRANCH. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, and miscellaneous purposes:

..... \$ 14,200,000

The amount appropriated in this section is a supplement to the appropriations made for these purposes in 2007 Iowa Acts, Senate File 563, if enacted.

Sec. 38. INDIGENT DEFENSE PROGRAM. There is appropriated from the general fund of the state to the office of state public defender of the department of inspections and appeals

for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, for the purposes designated:
For the indigent defense program:
..... \$ 3,000,000
The amount appropriated in this section is a supplement to the appropriations made for these purposes in 2007 Iowa Acts, Senate File 575, if enacted.
Sec. 39. NEWTON CORRECTIONAL FACILITY. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, for the purposes designated:
For the Newton correctional facility:
..... \$ 560,000
The amount appropriated in this section is a supplement to the appropriations made for these purposes in 2007 Iowa Acts, Senate File 575, if enacted.
Sec. 40. LEGAL SERVICES POVERTY GRANTS. There is appropriated from the general fund of the state to the office of attorney general for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, for the purposes designated:
For legal services for persons in poverty grants as provided in section 13.34:
..... \$ 450,000
The amount appropriated in this section is a supplement to the appropriations made for these purposes in 2007 Iowa Acts, Senate File 575, if enacted.
Sec. 41. IOWA JUNIOR ANGUS ASSOCIATION. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, to be used for the purpose designated:
For allocation to the Iowa junior angus association in connection with the 2008 national junior angus show:
..... \$ 10,000
Sec. 42. PLASMA ARC TECHNOLOGY. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purposes designated:
For a grant to a county with a population of more than 190,000 but less than 200,000, according to the 2005 estimate issued by the United States bureau of the census:
..... \$ 150,000
The grant shall be used to conduct a study of the feasibility of the use of plasma arc and other related energy technology for disposal of solid waste while generating energy.
Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.
Sec. 43. STATE EMPLOYEE TELECOMMUTING == POLICY. Any director of a department or state agency who is subject to a requirement to develop a telecommuter employment policy and plans shall develop the policy and plans in consultation with representatives of the collective bargaining units of the employees affected by the policy and plans.
Sec. 44. 2006 Iowa Acts, chapter 1177, section 16, subsection 4, is amended by adding the following new unnumbered paragraph:
NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated during the succeeding fiscal year.
Sec. 45. 2006 Iowa Acts, chapter 1180, section 5, subsection 6, is amended by adding the following new unnumbered paragraph:
NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.
Sec. 46. 2007 Iowa Acts, Senate File 562, section 1,

26 9 subsection 6, if enacted, is amended by adding the following
 26 10 new unnumbered paragraph:
 26 11 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
 26 12 moneys appropriated in this subsection that remain
 26 13 unencumbered or unobligated at the close of the fiscal year
 26 14 shall not revert but shall remain available for expenditure
 26 15 for the purposes designated until the close of the succeeding
 26 16 fiscal year.
 26 17 Sec. 47. The section of 2007 Iowa Acts, House File 641,
 26 18 which is titled "processing of installment agreements", and
 26 19 which refers to section 602.8107, subsection 4, and allocates
 26 20 moneys to the judicial branch, if enacted, is repealed.
 26 21 Sec. 48. 2007 Iowa Acts, House File 752, section 1,
 26 22 subsection 2, paragraph a, if enacted, is amended to read as
 26 23 follows:
 26 24 a. Operations:
 26 25 \$ ~~6,237,000~~
 26 26 6,253.800
 26 27 Sec. 49. 2007 Iowa Acts, House File 752, section 2,
 26 28 subsection 1, paragraph a, if enacted, is amended to read as
 26 29 follows:
 26 30 a. Operations:
 26 31 \$ ~~38,311,652~~
 26 32 38,414.852
 26 33 FTEs ~~305.00~~
 26 34 306.00
 26 35 Sec. 50. 2007 Iowa Acts, House File 752, section 1,
 27 1 subsection 3, if enacted, is amended to read as follows:
 27 2 3. For payments to the department of administrative
 27 3 services for utility services:
 27 4 \$ ~~145,000~~
 27 5 188.207
 27 6 Sec. 51. 2007 Iowa Acts, House File 752, section 2,
 27 7 subsection 2, if enacted, is amended to read as follows:
 27 8 2. For payments to the department of administrative
 27 9 services for utility services:
 27 10 \$ ~~888,000~~
 27 11 1,153.417
 27 12 Sec. 52. 2007 Iowa Acts, House File 874, section 7,
 27 13 subsection 4, paragraph a, if enacted, is amended to read as
 27 14 follows:
 27 15 a. For salaries, support, maintenance, and miscellaneous
 27 16 purposes, and for not more than the following full-time
 27 17 equivalent positions:
 27 18 \$ ~~4,655,809~~
 27 19 FTEs ~~100.50~~
 27 20 101.00
 27 21 Sec. 53. OFFICE OF ENERGY INDEPENDENCE. If 2007 Iowa
 27 22 Acts, House File 927, is enacted and provides for an
 27 23 appropriation from the general fund of the state to the office
 27 24 of energy independence for the fiscal year beginning July 1,
 27 25 2006, and ending June 30, 2007, allocations from that
 27 26 appropriation for administrative costs shall be for not more
 27 27 than the following full-time equivalent positions:
 27 28 FTEs 4.00
 27 29 Sec. 54. TIM SHIELDS CENTER. It is the intent of the
 27 30 general assembly that appropriations be made from moneys in
 27 31 the state treasury to assist the local government innovation
 27 32 commission in funding the Tim Shields center for governing
 27 33 excellence in Iowa established in section 8.68 if enacted by
 27 34 2007 Iowa Acts, Senate File 155.
 27 35 Sec. 55. STATE BOARD OF REGENTS == ARTICULATION WEBSITE.
 28 1 The general assembly finds that as college costs increase,
 28 2 Iowa's community college students need access to resources
 28 3 that allow the students to make informed, cost-effective
 28 4 decisions regarding their postsecondary education plans. It
 28 5 is the intent of the general assembly to provide for a
 28 6 seamless transition for students transferring from Iowa's
 28 7 community colleges to Iowa's state universities. Therefore,
 28 8 the state board of regents shall, in cooperation with the
 28 9 department of education and the community colleges, develop,
 28 10 maintain, and promote a user-friendly credit transfer and
 28 11 articulation internet website that allows Iowans to know at
 28 12 the time of enrollment in a community college course whether
 28 13 the credit will be accepted by the state university of the
 28 14 student's choice, the category in which the university will
 28 15 apply the credit, and to which degree program or programs the
 28 16 university will apply the credit. The board and the community
 28 17 colleges shall continuously strive to improve upon the
 28 18 coordinating efforts between the state universities and the
 28 19 community colleges to map and articulate community college

28 20 courses for college credit with the degree programs offered at
28 21 the state universities. The website shall be operational not
28 22 later than July 1, 2008.

28 23 Sec. 56. NEW SECTION. 15.391 WORLD FOOD PRIZE AWARD AND
28 24 SUPPORT.

28 25 1. Commencing with the fiscal year beginning July 1, 2008,
28 26 there is annually appropriated from the general fund of the
28 27 state to the department one million dollars for the support of
28 28 the world food prize award.

28 29 2. The Iowa state capitol is designated as the primary
28 30 location for the annual ceremony to award the world food
28 31 prize.

28 32 Sec. 57. NEW SECTION. 15.392 WORLD FOOD PRIZE YOUTH
28 33 INSTITUTE.

28 34 1. As a condition of receiving state funding, the entity
28 35 awarding the world food prize shall establish a world food
29 1 prize youth institute program in honor of Nobel peace prize
29 2 laureate Dr. Norman E. Borlaug. The purpose of the program
29 3 shall be to provide an educational opportunity and forum for
29 4 high school students in this state who have an interest in
29 5 food, agriculture, or natural resources disciplines.

29 6 2. State funding for the world food prize youth institute
29 7 for a fiscal year shall be allocated from the appropriation
29 8 made for the support of the world food prize award.

29 9 3. A world food prize youth institute advisory committee
29 10 is established to advise and support the institute. The
29 11 advisory committee shall receive regular updates concerning
29 12 the status of the institute. The membership of the advisory
29 13 committee shall include two members of the senate, one each
29 14 appointed by the majority and minority party leaders, and two
29 15 members of the house of representatives appointed by the
29 16 speaker and minority leader of the house of representatives.
29 17 In addition, the governor shall appoint two members. The
29 18 terms of the legislative and executive branch appointments
29 19 shall coincide with each legislative biennium. A vacancy in a
29 20 legislative or executive branch appointment shall be filled
29 21 for the balance of the unexpired term by the original
29 22 appointing authority.

29 23 4. Staff support for the advisory committee shall be
29 24 provided by the department of economic development.

29 25 Sec. 58. Section 15F.203, subsection 3, paragraph e, Code
29 26 2007, is amended to read as follows:

29 27 e. The project is primarily a vertical infrastructure
29 28 project with demonstrated substantial regional or statewide
29 29 economic impact. For purposes of the program, "vertical
29 30 infrastructure" means land acquisition and construction, major
29 31 renovation and major repair of buildings, all appurtenant
29 32 structures, utilities, site development, and recreational
29 33 trails and water trails. "Vertical infrastructure" does not
29 34 include routine, recurring maintenance or operational expenses
29 35 or leasing of a building, appurtenant structure, or utility
30 1 without a lease-purchase agreement.

30 2 Sec. 59. Section 15F.204, subsection 8, Code 2007, is
30 3 amended to read as follows:

30 4 8. a. There is appropriated from the rebuild Iowa
30 5 infrastructure fund to the community attraction and tourism
30 6 fund, the following amounts:

30 7 (1) For the fiscal year beginning July 1, 2004, and ending
30 8 June 30, 2005, the sum of twelve million dollars.

30 9 (2) For the fiscal year beginning July 1, 2005, and ending
30 10 June 30, 2006, the sum of five million dollars.

30 11 (3) For the fiscal year beginning July 1, 2006, and ending
30 12 June 30, 2007, the sum of five million dollars.

30 13 (4) For the fiscal year beginning July 1, 2007, and ending
30 14 June 30, 2008, the sum of five million dollars.

30 15 (5) For the fiscal year beginning July 1, 2008, and ending
30 16 June 30, 2009, the sum of five million dollars.

30 17 (6) For the fiscal year beginning July 1, 2009, and ending
30 18 June 30, 2010, the sum of five million dollars.

30 19 (7) For the fiscal year beginning July 1, 2010, and ending
30 20 June 30, 2011, the sum of five million dollars.

30 21 (8) For the fiscal year beginning July 1, 2011, and ending
30 22 June 30, 2012, the sum of five million dollars.

30 23 (9) For the fiscal year beginning July 1, 2012, and ending
30 24 June 30, 2013, the sum of five million dollars.

30 25 b. There is appropriated from the franchise tax revenues
30 26 deposited in the general fund of the state to the community
30 27 attraction and tourism fund, the following amounts:

30 28 (1) For the fiscal year beginning July 1, 2005, and ending
30 29 June 30, 2006, the sum of seven million dollars.

30 30 (2) For the fiscal year beginning July 1, 2006, and ending

30 31 June 30, 2007, the sum of seven million dollars.
30 32 (3) For the fiscal year beginning July 1, 2007, and ending
30 33 June 30, 2008, the sum of seven million dollars.
30 34 (4) For the fiscal year beginning July 1, 2008, and ending
30 35 June 30, 2009, the sum of seven million dollars.
31 1 (5) For the fiscal year beginning July 1, 2009, and ending
31 2 June 30, 2010, the sum of seven million dollars.
31 3 ~~(6) For the fiscal year beginning July 1, 2010, and ending~~
31 4 ~~June 30, 2011, the sum of seven million dollars.~~
31 5 ~~(7) For the fiscal year beginning July 1, 2011, and ending~~
31 6 ~~June 30, 2012, the sum of seven million dollars.~~
31 7 ~~(8) For the fiscal year beginning July 1, 2012, and ending~~
31 8 ~~June 30, 2013, the sum of seven million dollars.~~
31 9 Notwithstanding the allocation requirements in subsection
31 10 5, the board may make a multiyear commitment to an applicant
31 11 of up to ~~four~~ six million dollars in any one fiscal year.
31 12 Sec. 60. Section 256D.5, subsection 4, Code 2007, is
31 13 amended to read as follows:
31 14 4. For each fiscal year of the fiscal period beginning
31 15 July 1, 2004, and ending June 30, ~~2007~~ 2012, the sum of
31 16 twenty-nine million two hundred fifty thousand dollars.
31 17 Sec. 61. Section 256D.9, Code 2007, is amended to read as
31 18 follows:
31 19 256D.9 FUTURE REPEAL.
31 20 This chapter is repealed effective July 1, ~~2007~~ 2012.
31 21 Sec. 62. Section 279.51, subsection 1, Code 2007, is
31 22 amended to read as follows:
31 23 1. There is appropriated from the general fund of the
31 24 state to the department of education for the fiscal year
31 25 beginning July 1, ~~2000~~ 2007, and each succeeding fiscal year,
31 26 the sum of twelve million ~~five~~ six hundred ~~sixty~~ six thousand
31 27 ~~one hundred ninety=six~~ dollars.
31 28 The moneys shall be allocated as follows:
31 29 a. Two hundred seventy-five thousand ~~eight hundred~~
31 30 ~~sixty=four~~ dollars of the funds appropriated shall be
31 31 allocated to the area education agencies to assist school
31 32 districts in developing program plans and budgets under this
31 33 section and to assist school districts in meeting other
31 34 responsibilities in early childhood education.
31 35 b. For the fiscal year beginning July 1, ~~1998~~ 2007, and
32 1 for each succeeding fiscal year, eight million five hundred
32 2 ~~ten~~ thirty=six thousand ~~seven hundred forty~~ dollars of the
32 3 funds appropriated shall be allocated to the child development
32 4 coordinating council established in chapter 256A for the
32 5 purposes set out in subsection 2 of this section and section
32 6 256A.3.
32 7 c. For the fiscal year beginning July 1, ~~1996~~ 2007, and
32 8 for each fiscal year thereafter, three million five hundred
32 9 ~~ten~~ thousand nine hundred ninety=two dollars of the funds
32 10 appropriated shall be allocated as grants to school districts
32 11 that have elementary schools that demonstrate the greatest
32 12 need for programs for at-risk students with preference given
32 13 to innovative programs for the early elementary school years.
32 14 School districts receiving grants under this paragraph shall
32 15 at a minimum provide activities and materials designed to
32 16 encourage children's self-esteem, provide role modeling and
32 17 mentoring techniques in social competence and social skills,
32 18 and discourage inappropriate drug use. The grant allocations
32 19 made in this paragraph may be renewed for additional periods
32 20 of time. Of the amount allocated under this paragraph for
32 21 each fiscal year, seventy=five thousand dollars shall be
32 22 allocated to school districts which have an actual student
32 23 population of ten thousand or less and have an actual
32 24 non-English speaking student population which represents
32 25 greater than five percent of the total actual student
32 26 population for grants to elementary schools in those
32 27 districts.
32 28 d. Notwithstanding section 256A.3, subsection 6, of the
32 29 amount appropriated in this subsection for the fiscal year
32 30 beginning July 1, ~~1996~~ 2007, and for each succeeding fiscal
32 31 year, ~~two and one-fourth percent up to two hundred eighty=two~~
32 32 ~~thousand six hundred dollars~~ may be used for administrative
32 33 costs. ~~Any reduction of an allocation under this subsection~~
32 34 ~~as necessary to fund the provisions of this paragraph shall be~~
32 35 ~~made from the allocation in paragraph "b".~~
33 1 Sec. 63. Section 469.10, subsection 2, if enacted by 2007
33 2 Iowa Acts, House File 927, is amended to read as follows:
33 3 2. Of the moneys appropriated to the office and deposited
33 4 in the fund, the office shall utilize up to one and
33 5 five-tenths percent of the amount appropriated from the fund
33 6 for a fiscal year for administrative costs. From the funds

33 7 available for administrative costs, the office shall not
33 8 employ more than four full-time equivalent positions.
33 9 Sec. 64. Section 602.1304, subsection 2, paragraph b, Code
33 10 2007, is amended to read as follows:
33 11 b. For each fiscal year, a judicial collection estimate
33 12 for that fiscal year shall be equally and proportionally
33 13 divided into a quarterly amount. The judicial collection
33 14 estimate shall be calculated by using the state revenue
33 15 estimating conference estimate made by December 15 pursuant to
33 16 section 8.22A, subsection 3, of the total amount of fines,
33 17 fees, civil penalties, costs, surcharges, and other revenues
33 18 collected by judicial officers and court employees for deposit
33 19 into the general fund of the state. The revenue estimating
33 20 conference estimate shall be reduced by the maximum amounts
33 21 allocated to the Iowa prison infrastructure fund pursuant to
33 22 section 602.8108A, the court technology and modernization fund
33 23 pursuant to section 602.8108, subsection 7, the judicial
33 24 branch pursuant to section 602.8108, subsection 8, the
33 25 department of inspections and appeals pursuant to section
33 26 602.8108, subsection 9, the office of attorney general
33 27 pursuant to section 602.8108, subsection 10, the department of
33 28 corrections pursuant to section 602.8108, subsection 11, and
33 29 the road use tax fund pursuant to section 602.8108, subsection
33 30 12, and the remainder shall be the judicial collection
33 31 estimate. In each quarter of a fiscal year, after revenues
33 32 collected by judicial officers and court employees equal to
33 33 that quarterly amount are deposited into the general fund of
33 34 the state, after the required amount is deposited during the
33 35 quarter into the Iowa prison infrastructure fund pursuant to
34 1 section 602.8108A, into the court technology and modernization
34 2 fund pursuant to section 602.8108, subsection 7, and into the
34 3 road use tax fund pursuant to section 602.8108, subsection 12,
34 4 after the required amount is allocated to the judicial branch
34 5 pursuant to section 602.8108, subsection 8, and after the
34 6 required amount is allocated to the department of inspections
34 7 and appeals pursuant to section 602.8108, subsection 9, the
34 8 office of attorney general pursuant to section 602.8108,
34 9 subsection 10, and the department of corrections pursuant to
34 10 section 602.8108, subsection 11, the director of the
34 11 department of administrative services shall deposit the
34 12 remaining revenues for that quarter into the enhanced court
34 13 collections fund in lieu of the general fund. However, after
34 14 total deposits into the collections fund for the fiscal year
34 15 are equal to the maximum deposit amount established for the
34 16 collections fund, remaining revenues for that fiscal year
34 17 shall be deposited into the general fund. If the revenue
34 18 estimating conference agrees to a different estimate at a
34 19 later meeting which projects a lesser amount of revenue than
34 20 the initial estimate amount used to calculate the judicial
34 21 collection estimate, the director of the department of
34 22 administrative services shall recalculate the judicial
34 23 collection estimate accordingly. If the revenue estimating
34 24 conference agrees to a different estimate at a later meeting
34 25 which projects a greater amount of revenue than the initial
34 26 estimate amount used to calculate the judicial collection
34 27 estimate, the director of the department of administrative
34 28 services shall recalculate the judicial collection estimate
34 29 accordingly but only to the extent that the greater amount is
34 30 due to an increase in the fines, fees, civil penalties, costs,
34 31 surcharges, or other revenues allowed by law to be collected
34 32 by judicial officers and court employees.
34 33 Sec. 65. Section 602.8108, subsections 8, 9, 10, and 11,
34 34 Code 2007, are amended by striking the subsections.
34 35 Sec. 66. EFFECTIVE DATE. The section of this division of
35 1 this Act making an appropriation to the department of natural
35 2 resources for a plasma arc technology grant, being deemed of
35 3 immediate importance, takes effect upon enactment.
35 4 Sec. 67. EFFECTIVE DATE. The section of this division of
35 5 this Act amending section 256D.9, being deemed of immediate
35 6 importance, takes effect upon enactment.
35 7 Sec. 68. EFFECTIVE DATE. The section of this division of
35 8 this Act amending 2006 Iowa Acts, chapter 1177, being deemed
35 9 of immediate importance, takes effect upon enactment.
35 10 Sec. 69. EFFECTIVE DATE. The section of this division of
35 11 this Act amending 2006 Iowa Acts, chapter 1180, section 5,
35 12 being deemed of immediate importance, takes effect upon
35 13 enactment.

35 14 DIVISION V

35 15 APPROPRIATION ADJUSTMENTS

35 16 Sec. 70. VETERANS HOME OWNERSHIP ASSISTANCE PROGRAM.

35 17 1. There is appropriated from the rebuild Iowa

35 18 infrastructure fund to the department of veterans affairs for
 35 19 the fiscal year beginning July 1, 2007, and ending June 30,
 35 20 2008, the following amount, or so much thereof as is
 35 21 necessary, to be used for the purpose designated:
 35 22 For transfer to the Iowa finance authority to be used for
 35 23 continuation of the home ownership assistance program for
 35 24 persons who are or were eligible members of the armed forces
 35 25 of the United States, in accordance with section 35A.15, as
 35 26 enacted by 2007 Iowa Acts, Senate File 407, notwithstanding
 35 27 section 8.57, subsection 6, paragraph "c":
 35 28 \$ 1,000,000
 35 29 2. Of the funds transferred pursuant to this section, the
 35 30 Iowa finance authority may retain not more than \$20,000 for
 35 31 administrative purposes.
 35 32 3. Of the amount transferred to the Iowa finance authority
 35 33 pursuant to this section, not more than \$50,000 shall be
 35 34 transferred to the department of public defense to be used for
 35 35 the enduring families program.
 36 1 4. Notwithstanding section 8.33, moneys appropriated or
 36 2 transferred in this section that remain unencumbered or
 36 3 unobligated at the close of the fiscal year shall not revert
 36 4 but shall remain available for expenditure for the purposes
 36 5 designated until the close of the succeeding fiscal year.
 36 6 Sec. 71. 2007 Iowa Acts, Senate File 562, section 3,
 36 7 subsection 3, paragraphs a and d, if enacted, are amended to
 36 8 read as follows:
 36 9 a. Community development programs
 36 10 For salaries, support, maintenance, miscellaneous purposes,
 36 11 community economic development programs, tourism operations,
 36 12 community assistance, the mainstreet and rural mainstreet
 36 13 programs, the school-to-career program, the community
 36 14 development block grant, and housing and shelter-related
 36 15 programs and for not more than the following full-time
 36 16 equivalent positions:
 36 17 \$ ~~6,422,654~~
 36 18 6,322,654
 36 19 FTEs 58.26
 36 20 d. From the moneys appropriated in this subsection, the
 36 21 department shall use at least ~~\$1,046,000~~ \$946,000 for purposes
 36 22 of the mainstreet and rural mainstreet programs.
 36 23 Sec. 72. 2007 Iowa Acts, Senate File 562, section 3,
 36 24 subsection 4, unnumbered paragraph 1, if enacted, is amended
 36 25 to read as follows:
 36 26 For allocating moneys for the world food prize:
 36 27 \$ ~~650,000~~
 36 28 450,000
 36 29 Sec. 73. 2007 Iowa Acts, Senate File 562, section 14,
 36 30 subsections 1 and 3, if enacted, are amended to read as
 36 31 follows:
 36 32 1. There is appropriated from the general fund of the
 36 33 state to the university of northern Iowa for the fiscal year
 36 34 beginning July 1, 2007, and ending June 30, 2008, the
 36 35 following amount, or so much thereof as is necessary, to be
 37 1 used for the metal casting institute, for the myentrenet
 37 2 internet application, and for the institute of decision
 37 3 making, including salaries, support, maintenance,
 37 4 miscellaneous purposes, and for not more than the following
 37 5 full-time equivalent positions:
 37 6 \$ ~~661,291~~
 37 7 561,291
 37 8 FTEs 6.75
 37 9 3. From the moneys appropriated in this section, the
 37 10 university of northern Iowa shall use at least ~~\$300,000~~
 37 11 \$200,000 for purposes of expanding the service area of the
 37 12 myentrenet internet application.
 37 13 Sec. 74. 2007 Iowa Acts, Senate File 575, section 4,
 37 14 subsection 1, paragraph b, unnumbered paragraph 1, if enacted,
 37 15 is amended to read as follows:
 37 16 For educational programs for inmates at state penal
 37 17 institutions:
 37 18 \$ ~~2,070,358~~
 37 19 1,570,350
 37 20 Sec. 75. 2007 Iowa Acts, Senate File 575, section 5,
 37 21 subsection 1, paragraph f, unnumbered paragraph 1, if enacted,
 37 22 is amended to read as follows:
 37 23 For the sixth judicial district department of correctional
 37 24 services:
 37 25 \$ ~~12,203,009~~
 37 26 12,003,009
 37 27 Sec. 76. 2007 Iowa Acts, House File 874, section 19,
 37 28 subsection 1, if enacted, is amended to read as follows:

37 29 1. ADMINISTRATION AND ELECTIONS
37 30 For salaries, support, maintenance, and miscellaneous
37 31 purposes, and for not more than the following full-time
37 32 equivalent positions:
37 33 \$ ~~1,431,015~~
37 34 1,331,015
37 35 FTEs 17.00

38 1 The state department or state agency which provides data
38 2 processing services to support voter registration file
38 3 maintenance and storage shall provide those services without
38 4 charge.

38 5 DIVISION VI
38 6 MISCELLANEOUS STATUTORY CHANGES

38 7 Sec. 77. Section 7E.7, subsection 1, Code 2007, is amended
38 8 to read as follows:

38 9 1. ~~The Iowa finance authority and the~~ Iowa economic
38 10 protective and investment authority shall be considered ~~parts~~
38 11 ~~part~~ of the Iowa department of economic development. The Iowa
38 12 department of economic development may provide staff
38 13 assistance and administrative support to the ~~authorities~~
38 14 ~~authority~~.

38 15 Sec. 78. Section 7E.7, subsection 2, Code 2007, is amended
38 16 by striking the subsection.

38 17 Sec. 79. Section 8A.311, Code 2007, is amended by adding
38 18 the following new subsection:

38 19 NEW SUBSECTION. 21. a. The director may authorize the
38 20 procurement of goods and services in which a contractual
38 21 limitation of vendor liability is provided for and set forth
38 22 in the documents initiating the procurement. The director, in
38 23 consultation with the department of management, shall adopt
38 24 rules setting forth the circumstances in which such
38 25 procurement will be permitted and what types of contractual
38 26 limitations of liability are permitted. Rules adopted by the
38 27 director shall establish criteria to be considered in making a
38 28 determination of whether to permit a contractual limitation of
38 29 vendor liability with regard to any procurement of goods and
38 30 services. The criteria, at a minimum, shall include all of
38 31 the following:

38 32 (1) Whether authorizing a contractual limitation of vendor
38 33 liability is necessary to prevent harm to the state from a
38 34 failure to obtain the goods or services sought, or from
38 35 obtaining the goods or services at a higher price if the state
39 1 refuses to allow a contractual limitation of vendor liability.

39 2 (2) Whether the contractual limitation of vendor liability
39 3 is commercially reasonable when taking into account any risk
39 4 to the state created by the goods or services to be procured
39 5 and the purpose for which they will be used.

39 6 b. Notwithstanding paragraph "a", a contractual limitation
39 7 of vendor liability shall not include any limitation on the
39 8 liability of any vendor for intentional torts, criminal acts,
39 9 or fraudulent conduct.

39 10 c. The rules shall provide for the negotiation of a
39 11 contractual limitation of vendor liability consistent with the
39 12 requirements of this section and any other requirements of the
39 13 department as provided in any related documents associated
39 14 with a procurement of goods and services.

39 15 Sec. 80. Section 8A.363, subsection 1, Code 2007, is
39 16 amended to read as follows:

39 17 1. A state officer or employee shall not use a state-owned
39 18 motor vehicle for personal private use. A state officer or
39 19 employee shall not be compensated for driving a privately
39 20 owned motor vehicle unless it is done on state business with
39 21 the approval of the director. In that case the state officer
39 22 or employee shall receive an amount to be determined by the
39 23 director. The amount shall ~~not exceed~~ be not less than ninety
39 24 percent of the maximum or not more than one hundred ten

39 25 percent of the maximum allowable under the federal internal
39 26 revenue service rules per mile, notwithstanding established
39 27 mileage requirements or depreciation allowances. However, the
39 28 director may authorize private motor vehicle rates in excess
39 29 of one hundred ten percent of the rate allowed under the
39 30 federal internal revenue service rules for state business use
39 31 of substantially modified or specially equipped privately
39 32 owned vehicles required by persons with disabilities. A
39 33 statutory provision establishing reimbursement for necessary
39 34 mileage, travel, or actual expenses to a state officer falls
39 35 under the private motor vehicle mileage rate limitation
40 1 provided in this section unless specifically provided
40 2 otherwise. Any peace officer employed by the state as defined
40 3 in section 801.4 who is required to use a private motor
40 4 vehicle in the performance of official duties shall receive

40 5 the private vehicle mileage rate at the rate provided in this
40 6 section. However, the director may delegate authority to
40 7 officials of the state, and department heads, for the use of
40 8 private vehicles on state business up to a yearly mileage
40 9 figure established by the director. If a state motor vehicle
40 10 has been assigned to a state officer or employee, the officer
40 11 or employee shall not collect mileage for the use of a
40 12 privately owned motor vehicle unless the state motor vehicle
40 13 assigned is not useable.

40 14 Sec. 81. Section 15F.303, subsection 3, paragraph b, Code
40 15 2007, is amended to read as follows:

40 16 b. The project supports or is strategically aligned with
40 17 other existing regional or statewide cultural, recreational,
40 18 entertainment, or educational activities or with communities
40 19 adjacent to cultural and entertainment districts whose
40 20 existing or planned amenity base will augment or complement
40 21 the cultural and entertainment venues of such districts.

40 22 Sec. 82. Section 15I.3, subsection 4, Code 2007, is
40 23 amended to read as follows:

40 24 4. The total amount of tax credit certificates that may be
40 25 issued for a fiscal year under this chapter shall not exceed
40 26 ten million dollars for the fiscal years beginning before July
40 27 1, 2007, and shall not exceed four million dollars for fiscal
40 28 years beginning on or after July 1, 2007. The department

40 29 shall establish by rule the procedures for the application,
40 30 review, selection, awarding of certificates, and the method to
40 31 be used to determine for which fiscal year the tax credits are
40 32 available. If the approved tax credits exceed the maximum
40 33 amount for a fiscal year, tax credit certificates shall be
40 34 issued on an earliest date applied basis.

40 35 Sec. 83. Section 28D.3, subsection 4, Code 2007, is
41 1 amended to read as follows:

41 2 4. Persons employed by the department of natural
41 3 resources, department of administrative services, and the Iowa
41 4 communications network under this chapter are not subject to
41 5 the twenty-four-month time limitation specified in subsection
41 6 2.

41 7 Sec. 84. Section 85.66, Code 2007, is amended to read as
41 8 follows:

41 9 85.66 SECOND INJURY FUND == CREATION == CUSTODIAN.

41 10 The "Second Injury Fund" is hereby established under the
41 11 custody of the treasurer of state and shall consist of
41 12 payments to the fund as provided by this division and any
41 13 accumulated interest and earnings on moneys in the second
41 14 injury fund. The treasurer of state is charged with the
41 15 conservation of the assets of the second injury fund. Moneys
41 16 collected in the "Second Injury Fund" shall be disbursed only
41 17 for the purposes stated in this division, and shall not at any
41 18 time be appropriated or diverted to any other use or purpose.
41 19 The treasurer of state shall invest any surplus moneys of the
41 20 fund in securities which constitute legal investments for
41 21 state funds under the laws of this state, and may sell any of
41 22 the securities in which the fund is invested, if necessary,
41 23 for the proper administration or in the best interests of the
41 24 fund. Disbursements from the fund shall be paid by the
41 25 treasurer of state only upon the written order of the workers'
41 26 compensation commissioner. The attorney general shall be
41 27 reimbursed up to one hundred fifty thousand dollars annually
41 28 from the fund for services provided related to the fund. The
41 29 treasurer of state shall quarterly prepare a statement of the
41 30 fund, setting forth the balance of moneys in the fund, the
41 31 income of the fund, specifying the source of all income, the
41 32 payments out of the fund, specifying the various items of
41 33 payments, and setting forth the balance of the fund remaining
41 34 to its credit. The statement shall be open to public
41 35 inspection in the office of the treasurer of state.

42 1 Sec. 85. Section 85.67, Code 2007, is amended to read as
42 2 follows:

42 3 85.67 ADMINISTRATION OF FUND == SPECIAL COUNSEL == PAYMENT
42 4 OF AWARD.

42 5 The attorney general shall appoint a staff member to
42 6 represent the treasurer of state and the fund in all
42 7 proceedings and matters arising under this division. The
42 8 attorney general shall be reimbursed up to one hundred fifty
42 9 thousand dollars annually from the fund for services provided
42 10 related to the fund. The commissioner of insurance shall
42 11 consider the reimbursement to the attorney general as an
42 12 outstanding liability when making a determination of funding
42 13 availability under section 85.65A, subsection 2. In making an
42 14 award under this division, the workers' compensation
42 15 commissioner shall specifically find the amount the injured

42 16 employee shall be paid weekly, the number of weeks of
42 17 compensation which shall be paid by the employer, the date
42 18 upon which payments out of the fund shall begin, and, if
42 19 possible, the length of time the payments shall continue.

42 20 Sec. 86. Section 99F.4, subsection 24, Code 2007, is
42 21 amended to read as follows:

42 22 24. To conduct a socioeconomic study on the impact of
42 23 gambling on Iowans, every eight years beginning in calendar
42 24 year ~~2008~~ 2013, and issue a report on that study. The
42 25 commission shall ensure that the results of each study are
42 26 readily accessible to the public.

42 27 Sec. 87. Section 99F.11, subsection 3, paragraph e,
42 28 subparagraph (3), as enacted by 2006 Iowa Acts, chapter 1151,
42 29 subsection 6, is amended to read as follows:

42 30 (3) One-half of the moneys remaining after the
42 31 appropriation in subparagraph (1) shall be credited, on a
42 32 quarterly basis, to the general fund of the state for the
42 33 purpose of funding the endow Iowa tax credit provided in
42 34 section 15E.305.

42 35 Sec. 88. Section 135.105D, subsection 1A, as enacted by
43 1 2007 Iowa Acts, House File 158, section 2, is amended by
43 2 adding the following new paragraph:

43 3 NEW PARAGRAPH. d. Notwithstanding any other provision to
43 4 the contrary, nothing in this section shall subject a parent,
43 5 guardian, or legal custodian of a child of compulsory
43 6 attendance age to any penalties under chapter 299.

43 7 Sec. 89. Section 175.3, subsection 1, paragraph a, Code
43 8 2007, is amended to read as follows:

43 9 a. The agricultural development authority is ~~established~~
43 10 ~~within the office of treasurer of state. The authority is~~
43 11 constituted as a public instrumentality and agency of the
43 12 state exercising public and essential governmental functions.

43 13 Sec. 90. Section 175.3, subsection 7, Code 2007, is
43 14 amended to read as follows:

43 15 7. The appointed members shall elect a chairperson and
43 16 vice chairperson annually, and other officers as they
43 17 determine, but the executive director shall serve as secretary
43 18 to the authority. ~~The chairperson and vice chairperson shall~~
43 19 ~~serve on the selection and tenure committee as provided in~~
43 20 ~~section 175.7.~~

43 21 Sec. 91. Section 175.7, subsection 1, Code 2007, is
43 22 amended by striking the subsection and inserting in lieu
43 23 thereof the following:

43 24 1. The governor, subject to confirmation by the senate,
43 25 shall appoint an executive director of the authority, who
43 26 shall serve at the pleasure of the governor. The executive
43 27 director shall be selected primarily for administrative
43 28 ability and knowledge in the field, without regard to
43 29 political affiliation.

43 30 Sec. 92. Section 175.8, Code 2007, is amended by adding
43 31 the following new subsection:

43 32 NEW SUBSECTION. 3. For fiscal years beginning on or after
43 33 July 1, 2007, the auditor of state shall conduct an annual
43 34 audit of the agricultural development authority to be paid
43 35 from resources of the authority notwithstanding any other
44 1 audit conducted on behalf of the authority's board of
44 2 directors. The auditor of state may acquire the services of
44 3 an outside audit firm, if necessary, to conduct the audit as
44 4 required in this subsection.

44 5 Sec. 93. NEW SECTION. 190A.1 FARM=TO=SCHOOL PROGRAM.
44 6 A farm-to-school program is established to encourage and
44 7 promote the purchase of locally and regionally produced or
44 8 processed food in order to improve child nutrition and
44 9 strengthen local and regional farm economies.

44 10 Sec. 94. NEW SECTION. 190A.2 FARM=TO=SCHOOL COUNCIL.
44 11 1. A farm-to-school council is established and made up of
44 12 seven members representing the following associations or state
44 13 departments:

44 14 a. One member representing the Iowa school nutrition
44 15 association.

44 16 b. One member representing the Iowa association for
44 17 health, physical education, recreation and dance with
44 18 expertise in health.

44 19 c. One Iowa fruit or vegetable producer.

44 20 d. One Iowa organic meat producer.

44 21 e. The director of the Leopold center or the director's
44 22 designee.

44 23 f. The director of the department of agriculture and land
44 24 stewardship or the director's designee.

44 25 g. The director of the department of education or the
44 26 director's designee.

44 27 2. The members listed under subsection 1, paragraphs "a"
44 28 through "d", shall be selected by the governor without senate
44 29 confirmation and shall serve at the pleasure of the governor.
44 30 Sec. 95. NEW SECTION. 190A.3 GOALS AND STRATEGIES.
44 31 1. The program seeks to link elementary and secondary
44 32 public and nonpublic schools in this state with Iowa farms to
44 33 provide schools with fresh and minimally processed food for
44 34 inclusion in school meals and snacks, encourages children to
44 35 develop healthy eating habits, and provide Iowa farmers access
45 1 to consumer markets.
45 2 2. The farm-to-school program may include activities that
45 3 provide students with hands-on learning opportunities, such as
45 4 farm visits, cooking demonstrations, and school gardening and
45 5 composting programs.
45 6 3. The farm-to-school council shall seek to establish
45 7 partnerships with public agencies and nonprofit organizations
45 8 to implement a structure to facilitate communication between
45 9 farmers and schools.
45 10 4. The farm-to-school council shall actively seek
45 11 financial or in-kind contributions from organizations or
45 12 persons to support the program.
45 13 Sec. 96. NEW SECTION. 190A.4 AGENCY COOPERATION.
45 14 The department of agriculture and land stewardship and the
45 15 department of education shall provide information regarding
45 16 the Iowa farm-to-school program in an electronic format on the
45 17 department's internet website.
45 18 Sec. 97. NEW SECTION. 214A.2B LABORATORY FOR MOTOR FUEL
45 19 AND BIOFUELS.
45 20 A laboratory for motor fuel and biofuels is established at
45 21 a merged area school which is engaged in biofuels testing on
45 22 July 1, 2007, and which testing includes but is not limited to
45 23 B20 biodiesel testing for motor trucks and the ability of
45 24 biofuels to meet A.S.T.M. international standards. The
45 25 laboratory shall conduct testing of motor fuel sold in this
45 26 state and biofuel which is blended in motor fuel in this state
45 27 to ensure that the motor fuel or biofuels meet the
45 28 requirements in section 214A.2.
45 29 Sec. 98. Section 216A.121, subsection 3, if enacted by
45 30 2007 Iowa Acts, House File 826, section 1, is amended to read
45 31 as follows:
45 32 3. MEMBERSHIP.
45 33 a. The commission shall consist of ~~twenty-one~~ twenty-two
45 34 members, including ~~seventeen~~ eighteen voting members and four
45 35 nonvoting members.
46 1 (1) The voting members shall be as follows:
46 2 (a) The governor or the governor's designee.
46 3 (b) One member, appointed by the governor, who is an Iowa
46 4 designated representative to the federal Abraham Lincoln
46 5 bicentennial commission governors' council.
46 6 (c) One member appointed by the president of Humanities
46 7 Iowa.
46 8 (d) One member appointed by the director of the department
46 9 of economic development.
46 10 (e) One member appointed by the administrator of the state
46 11 historical society of Iowa.
46 12 (f) One member appointed by the executive director of the
46 13 Iowa arts council.
46 14 (g) One member appointed by the executive director of the
46 15 Iowa museum society.
46 16 (h) One member appointed by the president of the league of
46 17 Iowa human rights agencies.
46 18 (i) One member appointed by the president of the Iowa
46 19 league of cities.
46 20 (ii) One member appointed by the executive director of the
46 21 Iowa state association of counties.
46 22 (j) One member appointed by the director of the department
46 23 of education.
46 24 (k) One member appointed by the chairperson of the state
46 25 board of regents.
46 26 (l) One member appointed by the president of the Iowa
46 27 library board.
46 28 (m) One member appointed by the chairperson of the Iowa
46 29 state chapter of the national association for the advancement
46 30 of colored people.
46 31 (n) Four public members, appointed by the governor, with a
46 32 demonstrated interest in history and substantial knowledge and
46 33 appreciation of Abraham Lincoln.
46 34 (2) The nonvoting members shall be two state
46 35 representatives, one appointed by the speaker of the house of
47 1 representatives and one by the minority leader of the house,
47 2 and two state senators, one appointed by the majority leader

47 3 of the senate and one by the minority leader of the senate.
47 4 b. ~~Nine Ten~~ voting members of the board shall constitute a
47 5 quorum. Persons making appointments shall consult with one
47 6 another to ensure that the commission is balanced by gender,
47 7 political affiliation, and geographic location, and to ensure
47 8 selection of members representing diverse interest groups.
47 9 The provisions of chapters 21 and 22 shall apply to meetings
47 10 and records of the commission.

47 11 c. The commission shall elect a chairperson and vice
47 12 chairperson from the members of the commission. Commission
47 13 members shall serve without compensation, but shall be
47 14 reimbursed for actual and necessary expenses.

47 15 Sec. 99. Section 237A.13, Code 2007, is amended by adding
47 16 the following new subsection:

47 17 NEW SUBSECTION. 3A. The department's billing and payment
47 18 provisions for the program shall allow providers to elect
47 19 either biweekly or monthly billing and payment for child care
47 20 provided under the program. The department shall remit
47 21 payment to a provider within ten business days of receiving a
47 22 bill or claim for services provided. However, if the
47 23 department determines that a bill has an error or omission,
47 24 the department shall notify the provider of the error or
47 25 omission and identify any correction needed before issuance of
47 26 payment to the provider. The department shall provide the
47 27 notice within five business days of receiving the billing from
47 28 the provider and shall remit payment to the provider within
47 29 ten business days of receiving the corrected billing.

47 30 Sec. 100. Section 256C.3, subsection 5, if enacted by 2007
47 31 Iowa Acts, House File 877, is amended by adding the following
47 32 new paragraph:

47 33 NEW PARAGRAPH. d. The state board, in collaboration with
47 34 the department, shall ensure that the administrative rules
47 35 adopted to support the preschool program emphasize that
48 1 children's access to the program is voluntary, that the
48 2 preschool foundation aid provided to a school district is
48 3 provided based upon the enrollment of eligible students in the
48 4 school district's local program regardless of whether an
48 5 eligible student is a resident of the school district, and
48 6 that agreements entered into by a school district for the
48 7 provision of programming in settings other than the school
48 8 district's facilities are between the school district and the
48 9 private provider.

48 10 Sec. 101. Section 272.27, Code 2007, is amended to read as
48 11 follows:

48 12 272.27 STUDENT TEACHING AND OTHER EDUCATIONAL EXPERIENCES.

48 13 If the rules adopted by the board of educational examiners
48 14 for issuance of any type or class of license require an
48 15 applicant to complete work in student teaching, ~~an accredited~~
~~48 16 college or university located within the state of Iowa and~~
~~48 17 states conterminous with Iowa may offer a program or programs~~
~~48 18 of teacher education approved by the director of the~~
~~48 19 department of education or the appropriate authority in states~~
~~48 20 conterminous with Iowa by entering prestudent teaching~~
~~48 21 experiences, field experiences, practicums, clinicals, or~~
~~48 22 internships, an institution with a practitioner preparation~~
~~48 23 program approved by the state board of education under section~~
~~48 24 256.7, subsection 3, shall enter into a written contract with~~
~~48 25 any accredited school district or private, accredited~~
~~48 26 nonpublic school, preschool registered or licensed by the~~
~~48 27 department of human services, or area education agency in Iowa~~
48 28 under terms and conditions as agreed upon by the contracting
48 29 parties. The terms and conditions of a written contract
48 30 entered into with a preschool pursuant to this section shall
48 31 provide that a student teacher be under the direct supervision
48 32 of an appropriately licensed cooperating teacher who is
48 33 employed to teach at the preschool. Students actually

48 34 teaching or engaged in preservice licensure activities in a
48 35 school district under the terms of such a contract are
49 1 entitled to the same protection, under section 670.8, as is
49 2 afforded by that section to officers and employees of the
49 3 school district, during the time they are so assigned.

49 4 Sec. 102. Section 279.13, subsection 1, paragraph b, if
49 5 enacted by 2007 Iowa Acts, Senate File 277, section 11, is
49 6 amended to read as follows:

49 7 b. (1) Prior to entering into an initial contract with a
49 8 teacher who holds a license other than an initial license
49 9 issued by the board of educational examiners under chapter
49 10 272, the school district shall either request the division of
49 11 criminal investigation of the department of public safety to
49 12 conduct a background investigation of the applicant or request
49 13 a qualified background screening company accredited by the

49 14 national association of professional background check
49 15 screeners to conduct a background check on the applicant. The
49 16 (2) If the school district submits a request to the
49 17 division of criminal investigation pursuant to subparagraph
49 18 (1), the school district shall require the teacher to submit a
49 19 completed fingerprint packet, which shall be used to
49 20 facilitate a national criminal history check. The school
49 21 district shall submit the packet to the division of criminal
49 22 investigation of the department of public safety which shall
49 23 conduct a thorough background investigation of the teacher.
49 24 The superintendent of a school district or the
49 25 superintendent's designee shall have access to and shall
49 26 review the sex offender registry information under section
49 27 692A.13, the central registry for child abuse information
49 28 established under section 235A.14, and the central registry
49 29 for dependent adult abuse information established under
49 30 section 235B.5 for information regarding applicants for
49 31 employment as a teacher.
49 32 (3) If the school district submits a request to a
49 33 qualified background screening company pursuant to
49 34 subparagraph (1), the background check shall include a
49 35 national criminal history check, a review of the sex offender
50 1 registry information under section 692A.13, the central
50 2 registry for child abuse information established under section
50 3 235A.14 as the superintendent's designee under section
50 4 235A.15, and the central registry for dependent adult abuse
50 5 information established under section 235B.5 as the
50 6 superintendent's designee under section 235B.6 for information
50 7 regarding applicants for employment as a teacher.
50 8 (4) The school district may charge the teacher a fee for
50 9 the background investigation, which shall not exceed the fee
50 10 charged by the division of criminal investigation for
50 11 conducting the background investigation.
50 12 Sec. 103. Section 284.13, subsection 1, paragraph d, as
50 13 amended by 2007 Iowa Acts, Senate File 277, section 37, if
50 14 enacted, is amended to read as follows:
50 15 d. (1) For the fiscal year beginning July 1, 2007, and
50 16 ending June 30, 2008, up to twenty million dollars to the
50 17 department for use by school districts for professional
50 18 development as provided in section 284.6. The department
50 19 shall distribute funds allocated for the purpose of this
50 20 paragraph based on the average per diem contract salary for
50 21 each district as reported to the department for the school
50 22 year beginning July 1, 2006, multiplied by the total number of
50 23 full-time equivalent teachers in the base year. The
50 24 department shall adjust each district's average per diem
50 25 salary by the allowable growth rate established under section
50 26 257.8 for the fiscal year beginning July 1, 2007. The
50 27 contract salary amount shall be the amount paid for their
50 28 regular responsibilities but shall not include pay for
50 29 extracurricular activities. These funds shall not supplant
50 30 existing funding for professional development activities.
50 31 Notwithstanding any provision to the contrary, moneys received
50 32 by a school district under this paragraph shall not revert but
50 33 shall remain available for the same purpose in the succeeding
50 34 fiscal year. A school district shall submit a report to the
50 35 department in a manner determined by the department describing
51 1 its use of the funds received under this paragraph. The
51 2 department shall submit a report on school district use of the
51 3 moneys distributed pursuant to this paragraph to the general
51 4 assembly and the legislative services agency not later than
51 5 January 15 of the fiscal year for which moneys are allocated
51 6 for purposes of this paragraph.
51 7 (2) From moneys available under subparagraph (1) for the
51 8 fiscal year beginning July 1, 2007, and ending June 30, 2008,
51 9 the department shall allocate to area education agencies an
51 10 amount per teacher employed by an area education agency that
51 11 is approximately equivalent to the average per teacher amount
51 12 allocated to the districts. The average per teacher amount
51 13 shall be calculated by dividing the total number of teachers
51 14 employed by school districts and the teachers employed by area
51 15 education agencies into the total amount of moneys available
51 16 under subparagraph (1).
51 17 Sec. 104. Section 303.1, Code 2007, is amended by adding
51 18 the following new subsection:
51 19 NEW SUBSECTION. 7. The department may develop and
51 20 implement fee-based educational programming opportunities,
51 21 including preschool programs, related to arts, history, and
51 22 other cultural matters for Iowans of all ages.
51 23 Sec. 105. Section 321.20B, subsection 2, paragraph b, Code
51 24 2007, is amended to read as follows:

51 25 b. ~~The insurance division and the department, as~~
51 26 ~~appropriate,~~ shall adopt rules regarding the contents of a
51 27 financial liability coverage card to be issued pursuant to
51 28 this section.
51 29 (1) Notwithstanding the provisions of this section, a
51 30 fleet owner ~~who is issued a certificate of self=insurance~~
51 31 ~~pursuant to section 321A.34, subsection 1,~~ is not required to
51 32 maintain in each vehicle a financial liability coverage card
51 33 with the individual registration number or the vehicle
51 34 identification number of the vehicle included on the card.
51 35 Such fleet owner shall be required to maintain a financial
52 1 liability coverage card in each vehicle in the fleet including
52 2 information deemed appropriate by the ~~commissioner of~~
52 3 ~~insurance or the director, as applicable.~~

52 4 (2) ~~An association of individual members that is issued a~~
52 5 ~~certificate of self=insurance pursuant to section 321A.34,~~
52 6 ~~subsection 2, is required to maintain in each vehicle of an~~
52 7 ~~individual member a financial liability coverage card that~~
52 8 ~~complies with the provisions of this section and in addition~~
52 9 ~~contains information relating to the association and the~~
52 10 ~~association's certificate of self=insurance as is deemed~~
52 11 ~~appropriate by the director.~~

52 12 Sec. 106. Section 321.34, subsection 8, Code 2007, as
52 13 amended by 2007 Iowa Acts, House File 749, if enacted, is
52 14 amended to read as follows:

52 15 8. MEDAL OF HONOR PLATES. The owner of a motor vehicle
52 16 subject to registration under section 321.109, subsection 1,
52 17 motorcycle, trailer, or motor truck who has been awarded the
52 18 medal of honor may, upon written application to the
52 19 department, order special registration plates which shall be
52 20 red, white, and blue in color and shall bear an emblem of the
52 21 medal of honor and an identifying number. Each applicant
52 22 applying for special registration plates under this subsection
52 23 may ~~purchase order~~ only one set of registration plates under
52 24 this subsection. The application is subject to approval by
52 25 the department and the special registration plates shall be
52 26 issued at no charge to the applicant in exchange for the
52 27 registration plates previously issued to the person. ~~The~~
52 28 ~~special plates are subject to an annual registration fee of~~
52 29 ~~fifteen dollars. A person who is issued special plates under~~
52 30 ~~this subsection is exempt from payment of any annual~~
52 31 ~~registration fee for the motor vehicle bearing the special~~
52 32 ~~plates.~~

52 33 The department shall validate the special plates in
52 34 the same manner as regular registration plates are validated
52 35 under this section. The department shall not issue special
53 1 registration plates until service organizations in the state
53 2 have furnished the department either the special dies or the
53 3 cost of the special dies necessary for the manufacture of the
53 4 special registration plate.
53 5 The surviving spouse of a person who was issued special
53 6 plates under this subsection may continue to use the special
53 7 plates subject to registration of the special plates in the
53 8 surviving spouse's name ~~and upon payment of the fifteen dollar~~
53 9 ~~annual registration fee.~~ If the surviving spouse remarries,
53 10 the surviving spouse shall return the special plates to the
53 11 department and the department shall issue regular registration
53 12 plates to the surviving spouse.

53 13 Sec. 107. Section 321.34, subsection 12A, Code 2007, as
53 14 amended by 2007 Iowa Acts, House File 749, if enacted, is
53 15 amended by striking the subsection and inserting in lieu
53 16 thereof the following:

53 17 12A. SPECIAL REGISTRATION PLATES == ARMED FORCES SERVICES.
53 18 a. An owner of a vehicle referred to in subsection 12 who
53 19 applies for any type of special registration plates associated
53 20 with service in the United States armed forces shall be issued
53 21 one set of the special registration plates at no charge, but
53 22 shall be subject to the annual registration fee of fifteen
53 23 dollars, if the owner is eligible for, but has relinquished to
53 24 the department or the county treasurer or has not been issued,
53 25 ex=prisoner of war or legion of merit special registration
53 26 plates under this section.

53 27 b. An owner of a vehicle referred to in subsection 12 who
53 28 applies for any type of special registration plates associated
53 29 with service in the United States armed forces shall be issued
53 30 one set of the special registration plates at no charge and
53 31 subject to no annual registration fee if the owner is eligible
53 32 for, but has relinquished to the department or the county
53 33 treasurer or has not been issued, medal of honor registration
53 34 plates under subsection 8 or disabled veteran registration
53 35 plates under section 321.105.

53 36 c. The owner shall provide the appropriate information

54 1 regarding the owner's eligibility for any of the special
54 2 registration plates described in paragraph "a" or "b", and
54 3 regarding the owner's eligibility for the special registration
54 4 plates for which the owner has applied, as required by the
54 5 department.
54 6 d. The surviving spouse of a person who was issued special
54 7 plates under this subsection may continue to use the special
54 8 plates subject to registration of the special plates in the
54 9 surviving spouse's name and upon payment of the same annual
54 10 registration fee, if applicable. If the surviving spouse
54 11 remarries, the surviving spouse shall return the special
54 12 plates to the department and the department shall issue
54 13 regular registration plates to the surviving spouse.
54 14 Sec. 108. Section 321A.34, subsections 1 and 2, Code 2007,
54 15 are amended to read as follows:
54 16 1. a. Any person in whose name more than twenty-five
54 17 motor vehicles are registered may qualify as a self-insurer by
54 18 obtaining a certificate of self-insurance issued by the
54 19 department as provided in ~~subsection 2 of this section~~
54 20 paragraph "b".
54 21 2. b. The department may, upon the application of such a
54 22 person, issue a certificate of self-insurance if the
54 23 department is satisfied that the person has and will continue
54 24 to have the ability to pay judgments obtained against the
54 25 person for damages arising out of the ownership, maintenance,
54 26 or use of any vehicle owned by the person. A person issued a
54 27 certificate of self-insurance pursuant to this ~~section~~
54 28 subsection shall maintain a financial liability coverage card
54 29 as provided in section 321.20B, subsection 2, paragraph "b",
54 30 subparagraph (1).
54 31 2. a. Any association of individual members that is a
54 32 legal entity with the power to sue and be sued in its own name
54 33 and which is composed of individual members in whose names a
54 34 total of more than twenty-five motor vehicles are registered,
54 35 may qualify as a self-insurer by obtaining a certificate of
55 1 insurance issued by the department as provided in paragraph
55 2 "b".
55 3 b. The department may, upon the application of such an
55 4 association, issue a certificate of self-insurance if the
55 5 department is satisfied that the association has and will
55 6 continue to have the ability to pay judgments obtained against
55 7 the association or against an individual member of the
55 8 association for damages arising out of the ownership,
55 9 maintenance, or use of any vehicle owned by an individual
55 10 member of the association. An association issued a
55 11 certificate of self-insurance pursuant to this paragraph shall
55 12 maintain a financial liability coverage card as provided in
55 13 section 321.20B, subsection 2, paragraph "b", subparagraph
55 14 (2).
55 15 Sec. 109. Section 388.2, unnumbered paragraph 2, Code
55 16 2007, is amended to read as follows:
55 17 The Upon the council's own motion, the proposal may be
55 18 submitted to the voters at any the general election, the
55 19 regular city election by the council on its own motion, or at
55 20 a special election called for that purpose. Upon receipt of a
55 21 valid petition as defined in section 362.4, requesting that a
55 22 proposal be submitted to the voters, the council shall submit
55 23 the proposal at the next regular city election.
55 24 Sec. 110. Section 388.2, Code 2007, is amended by adding
55 25 the following new unnumbered paragraph after unnumbered
55 26 paragraph 2:
55 27 NEW UNNUMBERED PARAGRAPH. If the special election is to
55 28 establish a gas or electric utility pursuant to this section,
55 29 or if such a proposal is to be included on the ballot at the
55 30 regular city or general election, the mayor or council shall
55 31 give notice as required by section 376.1 to the county
55 32 commissioner of elections and to any utility whose property
55 33 would be affected by such election not less than sixty days
55 34 before the proposed date of the special, regular city, or
55 35 general election.
56 1 Sec. 111. Section 422.11S, subsection 7, paragraph a,
56 2 subparagraph (2), Code 2007, is amended to read as follows:
56 3 (2) "Total approved tax credits" means for the tax year
56 4 beginning in the 2006 calendar year, two million five hundred
56 5 thousand dollars, and for the tax years year beginning on or
56 6 after January 1, in the 2007 calendar year, five million
56 7 dollars, and for tax years beginning on or after January 1,
56 8 2008, seven million five hundred thousand dollars.
56 9 Sec. 112. Section 423.3, subsection 89, Code 2007, is
56 10 amended to read as follows:
56 11 89. a. The sales price of all goods, wares, or

56 12 merchandise sold, or of services furnished, which are used in
56 13 the fulfillment of a written construction contract for the
56 14 original construction of a building or structure to be used as
56 15 a collaborative educational facility.

56 16 b. The sales price of all goods, wares, or merchandise
56 17 sold, or of services furnished, which are used in the
56 18 fulfillment of a written construction contract for the
56 19 construction of additions or modifications to a building or
56 20 structure used as part of a collaborative educational
56 21 facility.

56 22 c. To receive the exemption provided in paragraph "a" or
56 23 "b", a collaborative educational facility must meet all of the
56 24 following criteria in paragraph "d" or "e":

56 25 d. (1) The contract for construction of the building or
56 26 structure is entered into on or after April 1, 2003.

56 27 (2) The building or structure is located within the
56 28 corporate limits of a city in the state with a population in
56 29 excess of one hundred ninety-five thousand residents.

56 30 (3) The sole purpose of the building or structure is to
56 31 provide facilities for a collaborative of public and private
56 32 educational institutions that provide education to students.

56 33 (4) The owner of the building or structure is a nonprofit
56 34 corporation governed by chapter 504 or former chapter 504A
56 35 which is exempt from federal income tax pursuant to section
57 1 501(a) of the Internal Revenue Code.

57 2 e. (1) The contract for construction of the building or
57 3 structure is entered into on or after May 15, 2007.

57 4 (2) The sole purpose of the building or structure is to
57 5 provide facilities for a regional academy under a
57 6 collaborative of public and private educational institutions
57 7 that includes a community college established under chapter
57 8 260C that provide education to students.

57 9 (3) The owner of the building or structure is a qualified
57 10 charitable nonprofit corporation governed by chapter 504 or
57 11 former chapter 504A which is exempt from federal income tax
57 12 pursuant to section 501(c)(3) of the Internal Revenue Code.

57 13 f. References to "building" or "structure" in
57 14 ~~subparagraphs (1) through (4) paragraphs "d" and "e" include~~
57 15 ~~any additions or modifications to the building or structure.~~

57 16 Sec. 113. Section 452A.3, subsection 1, unnumbered
57 17 paragraph 1, Code 2007, is amended to read as follows:
57 18 Except as otherwise provided in this section and in this
57 19 division, until June 30, ~~2007~~ 2012, this subsection shall
57 20 apply to the excise tax imposed on each gallon of motor fuel
57 21 used for any purpose for the privilege of operating motor
57 22 vehicles in this state.

57 23 Sec. 114. Section 452A.3, subsection 1A, Code 2007, is
57 24 amended to read as follows:

57 25 1A. Except as otherwise provided in this section and in
57 26 this division, after June 30, ~~2007~~ 2012, an excise tax of
57 27 twenty cents is imposed on each gallon of motor fuel used for
57 28 any purpose for the privilege of operating motor vehicles in
57 29 this state.

57 30 Sec. 115. Section 455B.306, Code 2007, is amended by
57 31 adding the following new subsection:

57 32 NEW SUBSECTION. 12. This section shall not apply to a
57 33 sanitary landfill project owned by an electric generating
57 34 facility and used exclusively for the disposal of coal
57 35 combustion residue. Notwithstanding section 455B.301,
58 1 subsection 8, a utility under this subsection may demonstrate
58 2 financial assurance through the use of a secured trust fund, a
58 3 cash or surety bond, a corporate financial test as provided by
58 4 the department, the obtaining of an irrevocable letter of
58 5 credit, or an alternative method as provided by the
58 6 department. The financial assurance instrument submitted must
58 7 ensure the facility's financial capability to provide
58 8 reasonable and necessary response during the lifetime of the
58 9 project and for a specified period of time following closure
58 10 as required by rules adopted by the commission.

58 11 Sec. 116. Section 463C.17, Code 2007, is amended to read
58 12 as follows:

58 13 463C.17 EXEMPTION FROM COMPETITIVE BID LAWS.

58 14 The authority, the department, and their agents and
58 15 contracts entered into by the authority, the department, and
58 16 their agents, in carrying out its public and essential
58 17 governmental functions are exempt from the laws of the state
58 18 which provide for competitive bids, term-length, and hearings
58 19 in connection with contracts, except as provided in section
58 20 12.30. However, the exemption from competitive bid laws in
58 21 this section shall not be construed to apply to contracts for
58 22 the development of the park or the development or construction

58 23 of facilities in the park, including, but not limited to,
58 24 lodges, campgrounds, cabins, and golf courses.

58 25 Sec. 117. Section 505.8, Code 2007, is amended by adding
58 26 the following new subsection:

58 27 NEW SUBSECTION. 8. The commissioner may, after a hearing
58 28 conducted pursuant to chapter 17A, assess fines or penalties,
58 29 order restitution, or take other corrective action as the
58 30 commissioner deems necessary and appropriate to accomplish
58 31 compliance with the laws of the state relating to all
58 32 insurance business transacted in the state.

58 33 Sec. 118. Section 717F.1, subsection 1, if enacted by 2007
58 34 Iowa Acts, Senate File 564, section 1, is amended to read as
58 35 follows:

59 1 1. "Agricultural animal" means ~~the same as an agricultural~~
59 2 animal as defined in section 717A.1 other than swine which is
59 3 a member of the species sus scrofa linnaeus, including but not
59 4 limited to swine commonly known as Russian boar or European
59 5 boar of either sex.

59 6 Sec. 119. Section 717F.1, subsection 3, paragraph b, if
59 7 enacted by 2007 Iowa Acts, Senate File 564, section 1, is
59 8 amended to read as follows:

59 9 b. "Circus" does not include a person, regardless of
59 10 whether the person is a holder of a class "C" license as
59 11 provided in paragraph "a", who ~~does any of the following:~~

~~59 12 (1) Keeps a dangerous wild animal which is a member of the~~
~~59 13 order carnivora within the family felidae or the family~~
~~59 14 ursidae, as described in this section.~~

~~59 15 (2) Uses the uses a dangerous wild animal for any of the~~
59 16 following purposes:

59 17 ~~(a) (1)~~ A presentation to children at a public or
59 18 nonpublic school as defined in section 280.2.

59 19 ~~(b) (2)~~ Entertainment that involves an activity in which
59 20 a member of the public is in close proximity to the dangerous
59 21 wild animal, including but not limited to a contest or a
59 22 photographic opportunity.

59 23 Sec. 120. Section 717F.1, subsection 5, paragraph a, if
59 24 enacted by 2007 Iowa Acts, Senate File 564, section 1, is
59 25 amended by adding the following new subparagraph:

59 26 NEW SUBPARAGRAPH. (11) Swine which is a member of the
59 27 species sus scrofa linnaeus, including but not limited to
59 28 swine commonly known as Russian boar or European boar of
59 29 either sex.

59 30 Sec. 121. Section 717F.7, subsection 3, if enacted by 2007
59 31 Iowa Acts, Senate File 564, section 7, is amended to read as
59 32 follows:

59 33 3. A person who keeps falcons, if the person has been
59 34 issued a falconry license by the department of natural
59 35 resources pursuant to section 483A.1.

60 1 Sec. 122. Section 717F.7, subsection 13, if enacted by
60 2 2007 Iowa Acts, Senate File 564, section 7, is amended to read
60 3 as follows:

60 4 13. A location operated by a person licensed to practice
60 5 veterinary medicine pursuant to chapter 169. However, this
60 6 subsection shall not apply to a swine which is a member of the
60 7 species sus scrofa linnaeus, including but not limited to
60 8 swine commonly known as Russian boar or European boar of
60 9 either sex.

60 10 Sec. 123. Section 717F.8, subsection 2, if enacted by 2007
60 11 Iowa Acts, Senate File 564, section 8, is amended by adding
60 12 the following new paragraph:

60 13 NEW PARAGRAPH. 1. Ten dollars for swine which is a member
60 14 of the species sus scrofa linnaeus, including but not limited
60 15 to swine commonly known as Russian boar or European boar of
60 16 either sex.

60 17 Sec. 124. Section 909.3A, Code 2007, is amended to read as
60 18 follows:

60 19 909.3A COMMUNITY SERVICE OPTION.

60 20 The court may, in its discretion, order the defendant to
60 21 perform community service work of an equivalent value to the
60 22 fine imposed where it appears that the community service work
60 23 will be adequate to deter the defendant and to discourage
60 24 others from similar criminal activity. The rate at which
60 25 community service shall be calculated shall be the federal or
60 26 state minimum wage, whichever is higher.

60 27 Sec. 125. REFUNDS. Refunds of taxes, interest, or
60 28 penalties which arise from claims resulting from the amendment
60 29 to section 423.3, subsection 89, in this division of this Act
60 30 for the exemption of the sales of goods, wares, and
60 31 merchandise, and the furnishing of services used in the
60 32 fulfillment of a written construction contract for the
60 33 original construction of a building or structure to be used as

60 34 a collaborative educational facility occurring between May 15,
60 35 2007, and June 30, 2007, shall not be allowed unless refund
61 1 claims are filed by October 1, 2007, notwithstanding any other
61 2 provision of law.

61 3 Sec. 126. NATIVE WINE MANUFACTURERS == WINE GALLONAGE TAX
61 4 EXCEPTION. Notwithstanding any provision of section 123.183
61 5 to the contrary, wine imported into this state prior to June
61 6 1, 2007, and used for manufacturing native wine shall not be
61 7 subject to the wine gallonage tax as provided by that section.

61 8 Sec. 127. LEGISLATIVE PROPERTY TAX STUDY COMMITTEE.

61 9 1. A legislative property tax study committee is
61 10 established. The study committee shall conduct a
61 11 comprehensive review of property taxation in Iowa including
61 12 but not limited to the continued use of property taxes as a
61 13 major funding source for local governments and for local
61 14 school districts in Iowa, the classification and assessment of
61 15 property for property tax purposes and the impact of the tie
61 16 between residential and agricultural property assessments, the
61 17 level of consistency employed in classifying and assessing
61 18 property for property tax purposes, the various exemptions and
61 19 credits currently available to property taxpayers and the
61 20 impact on local government and state budgets and on other
61 21 taxpayers of providing those credits and exemptions, and the
61 22 use of property taxes as an economic development tool and the
61 23 impact on local and state government budgets and on other
61 24 taxpayers of such use. In its study, the committee shall
61 25 address the goals of property tax simplification and equity.

61 26 2. a. The committee shall be comprised of the following
61 27 voting members:

61 28 (1) Five members who are members of the senate, three of
61 29 whom shall be appointed by the majority leader of the senate
61 30 and two of whom shall be appointed by the minority leader of
61 31 the senate.

61 32 (2) Five members who are members of the house of
61 33 representatives, three of whom shall be appointed by the
61 34 speaker of the house of representatives and two of whom shall
61 35 be appointed by the minority leader of the house of
62 1 representatives.

62 2 b. The committee shall be comprised of the following
62 3 nonvoting members who shall be appointed by the majority
62 4 leader of the senate and the speaker of the house of
62 5 representatives in consultation with the minority leaders of
62 6 the senate and the house of representatives:

62 7 (1) One member from an association representing Iowa
62 8 counties.

62 9 (2) One member from an association representing Iowa
62 10 cities.

62 11 (3) One member from an association representing Iowa
62 12 school boards.

62 13 (4) One member from an association representing
62 14 agricultural property taxpayers.

62 15 (5) One member from an association representing Iowa
62 16 commercial property taxpayers.

62 17 (6) One member from an association representing Iowa
62 18 industrial taxpayers.

62 19 (7) One member representing residential taxpayers.

62 20 (8) One member from an association representing Iowa
62 21 telecommunications property taxpayers.

62 22 (9) Representatives of other interests as designated by
62 23 the legislative council.

62 24 c. The committee shall be comprised of the following
62 25 nonvoting members who shall be appointed by the governor:

62 26 (1) A representative employed by the department of
62 27 management.

62 28 (2) A representative employed by the department of
62 29 revenue.

62 30 (3) A representative employed by the department of
62 31 economic development.

62 32 3. The property tax study committee shall meet during the
62 33 2007 and 2008 legislative interims at the call of the
62 34 chairperson. The committee is authorized to hold as many
62 35 meetings as the committee deems necessary.

63 1 4. The property tax study committee may contract with one
63 2 or more tax consultants or experts familiar with the Iowa
63 3 property tax system. The legislative council, pursuant to its
63 4 authority in section 2.42, may allocate to the study committee
63 5 funding from moneys available to it in section 2.12 for the
63 6 purpose of contracting with the consultant or expert.

63 7 5. The property tax study committee shall submit a final
63 8 report to the general assembly on or before January 5, 2009.
63 9 The final report shall include but not be limited to findings,

analyses, and recommendations by the committee.

Sec. 128. RESEARCH AND DEVELOPMENT PREKINDERGARTEN THROUGH GRADE TWELVE SCHOOL == FEASIBILITY STUDY. The department of education and the university of northern Iowa shall convene a task force to study the feasibility of creating a research and development prekindergarten through grade twelve school for the state of Iowa. The task force shall include, at a minimum, university of northern Iowa faculty and representatives from other institutions governed by the state board of regents and from school districts which offer prekindergarten through grade twelve. The task force shall address the possibilities of creating a site where innovative and promising practices can be studied and implemented to improve the achievement of students in prekindergarten through grade twelve, processes in which the findings of such studies are shared with Iowa educators, and an appropriate governance structure, and shall address the necessary funding and funding sources for the school. The task force shall consider the existing laboratory school located at the university of northern Iowa as the site for the research and development prekindergarten through grade twelve school. The task force shall submit its findings and recommendations in a report to the general assembly, the state board of education, and the state board of regents by January 14, 2008.

Sec. 129. EFFECTIVE DATE.

1. The section of this division of this Act amending section 28D.3, subsection 4, being deemed of immediate importance, takes effect upon enactment.

2. The section of this division of this Act providing an exception to the imposition of the wine gallonage tax for native wine manufacturers, being deemed of immediate importance, takes effect upon enactment.

Sec. 130. EFFECTIVE DATE. The sections of this division of this Act amending section 321.34, subsections 8 and 12A, being deemed of immediate importance, take effect upon enactment.

Sec. 131. EFFECTIVE DATE. The section of this division of this Act establishing a prekindergarten through grade twelve feasibility study, being deemed of immediate importance, takes effect upon enactment.

Sec. 132. 2007 Iowa Acts, Senate File 403, section 5, if enacted, is repealed.

Sec. 133. 2007 Iowa Acts, Senate File 403, section 34, if enacted, is repealed.

Sec. 134. Section 811.2A, Code 2007, is repealed.

DIVISION VII
ELDER SERVICES

Sec. 135. Section 231B.1, subsection 1, Code 2007, is amended to read as follows:

1. "Department" means the department of ~~elder affairs~~ inspections and appeals or the department's designee.

Sec. 136. Section 231B.1A, subsection 3, Code 2007, is amended by striking the subsection.

Sec. 137. Section 231B.2, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The department shall establish by rule, in accordance with chapter 17A, minimum standards for certification and monitoring of elder group homes. The department may adopt by reference, with or without amendment, nationally recognized standards and rules for elder group homes. The standards and rules shall be formulated in consultation with ~~the department of inspections and appeals~~ affected state agencies and affected industry, professional, and consumer groups; ~~i~~ shall be designed to accomplish the purposes of this chapter; ~~i~~ and shall include but not be limited to rules relating to all of the following:

Sec. 138. Section 231B.2, subsection 1, paragraph b, Code 2007, is amended to read as follows:

b. Requirements that elder group homes furnish the department of ~~elder affairs and the department of inspections and appeals~~ with specified information necessary to administer this chapter. All information related to the provider application for an elder group home presented to ~~either the department of inspections and appeals or the department of elder affairs~~ shall be considered a public record pursuant to chapter 22.

Sec. 139. Section 231B.2, subsection 2, Code 2007, is amended to read as follows:

2. Each elder group home operating in this state shall be certified by the department ~~of inspections and appeals~~.

Sec. 140. Section 231B.2, subsection 5, unnumbered

65 21 paragraph 1, Code 2007, is amended to read as follows:

65 22 ~~The department of inspections and appeals~~ may enter into
65 23 contracts to provide certification and monitoring of elder
65 24 group homes. ~~The department of inspections and appeals shall:~~

65 25 Sec. 141. Section 231B.2, subsections 6, 7, 9, and 10,
65 26 Code 2007, are amended to read as follows:

65 27 6. A department, agency, or officer of this state or of
65 28 any governmental unit shall not pay or approve for payment
65 29 from public funds any amount to an elder group home for an
65 30 actual or prospective tenant, unless the program holds a
65 31 current certificate issued by the department ~~of inspections~~
~~and appeals~~ and meets all current requirements for
65 33 certification.

65 34 7. The department shall adopt rules regarding the
65 35 conducting or operating of another business or activity in the
66 1 distinct part of the physical structure in which the elder
66 2 group home is operated, if the business or activity serves
66 3 persons who are not tenants. The rules shall be developed in
66 4 consultation with ~~the department of inspections and appeals~~
66 5 affected state agencies and affected industry, professional,
66 6 and consumer groups.

66 7 9. ~~The department of elder affairs and the department of~~
~~inspections and appeals~~ shall conduct joint training sessions
66 9 for personnel responsible for conducting monitoring
66 10 evaluations and complaint investigations of elder group homes.

66 11 10. Certification shall be for two years unless revoked
66 12 for good cause by the department ~~of inspections and appeals~~.

66 13 Sec. 142. Section 231B.3, subsection 2, Code 2007, is
66 14 amended to read as follows:

66 15 2. A person who has knowledge that an elder group home is
66 16 operating without certification shall report the name and
66 17 address of the home to the department ~~of inspections and~~
~~appeals~~. The department ~~of inspections and appeals~~ shall
66 19 investigate a report made pursuant to this section.

66 20 Sec. 143. Section 231B.4, Code 2007, is amended to read as
66 21 follows:

66 22 231B.4 ZONING == FIRE AND SAFETY STANDARDS.

66 23 An elder group home shall be located in an area zoned for
66 24 single=family or multiple=family housing or in an
66 25 unincorporated area and shall be constructed in compliance
66 26 with applicable local housing codes and the rules adopted for
66 27 the special classification by the state fire marshal. In the
66 28 absence of local building codes, the facility shall comply
66 29 with the state plumbing code established pursuant to section
66 30 135.11 and the state building code established pursuant to
66 31 section 103A.7 and the rules adopted for the special
66 32 classification by the state fire marshal. The rules adopted
66 33 for the special classification by the state fire marshal
66 34 regarding second floor occupancy shall be adopted in
66 35 consultation with the department ~~of elder affairs~~ and shall
67 1 take into consideration the mobility of the tenants.

67 2 Sec. 144. Section 231B.5, subsection 3, Code 2007, is
67 3 amended to read as follows:

67 4 3. Occupancy agreements and related documents executed by
67 5 each tenant or tenant's legal representative shall be
67 6 maintained by the elder group home from the date of execution
67 7 until three years from the date the occupancy agreement is
67 8 terminated. A copy of the most current occupancy agreement
67 9 shall be provided to members of the general public, upon
67 10 request. Occupancy agreements and related documents shall be
67 11 made available for on=site inspection to the department ~~of~~
~~inspections and appeals~~ upon request and at reasonable times.

67 13 Sec. 145. Section 231B.6, subsection 1, unnumbered
67 14 paragraph 1, Code 2007, is amended to read as follows:

67 15 If an elder group home initiates the involuntary transfer
67 16 of a tenant and the action is not a result of a monitoring
67 17 evaluation or complaint investigation by the department ~~of~~
~~inspections and appeals~~, and if the tenant or tenant's legal
67 19 representative contests the transfer, the following procedure
67 20 shall apply:

67 21 Sec. 146. Section 231B.6, subsection 2, Code 2007, is
67 22 amended to read as follows:

67 23 2. The department, in consultation with ~~the department of~~
~~inspections and appeals~~ affected state agencies and affected
67 25 industry, professional, and consumer groups, shall establish
67 26 by rule, in accordance with chapter 17A, procedures to be
67 27 followed, including the opportunity for hearing, when the
67 28 transfer of a tenant results from a monitoring evaluation or
67 29 complaint investigation conducted by the department ~~of~~
~~inspections and appeals~~.

67 31 Sec. 147. Section 231B.7, Code 2007, is amended to read as

67 32 follows:

67 33 231B.7 COMPLAINTS.

67 34 1. Any person with concerns regarding the operations or
67 35 service delivery of an elder group home may file a complaint
68 1 with the department of ~~inspections and appeals~~. The name of
68 2 the person who files a complaint with the department of
~~68 3 inspections and appeals~~ and any personal identifying
68 4 information of the person or any tenant identified in the
68 5 complaint shall be kept confidential and shall not be subject
68 6 to discovery, subpoena, or other means of legal compulsion for
68 7 its release to a person other than department of ~~inspections~~
~~68 8 and appeals~~ employees involved with the complaint.

~~68 9 2. The department, in cooperation with the department of~~
~~68 10 inspections and appeals~~, shall establish procedures for the
68 11 disposition of complaints received in accordance with this
68 12 section.

68 13 Sec. 148. Section 231B.8, Code 2007, is amended to read as
68 14 follows:

68 15 231B.8 INFORMAL REVIEW.

68 16 1. If an elder group home contests the findings of
68 17 regulatory insufficiencies of a monitoring evaluation or
68 18 complaint investigation, the program shall submit written
68 19 information, demonstrating that the program was in compliance
68 20 with the applicable requirement at the time of the monitoring
68 21 evaluation or complaint investigation of the regulatory
68 22 insufficiencies, to the department of ~~inspections and appeals~~
68 23 for review.

68 24 2. The department of ~~inspections and appeals~~ shall review
68 25 the written information submitted within ten working days of
68 26 the receipt of the information. At the conclusion of the
68 27 review, the department of ~~inspections and appeals~~ may affirm,
68 28 modify, or dismiss the regulatory insufficiencies. The
68 29 department of ~~inspections and appeals~~ shall notify the program
68 30 in writing of the decision to affirm, modify, or dismiss the
68 31 regulatory insufficiencies, and the reasons for the decision.

68 32 3. In the case of a complaint investigation, the
68 33 department of ~~inspections and appeals~~ shall also notify the
68 34 complainant, if known, of the decision and the reasons for the
68 35 decision.

69 1 Sec. 149. Section 231B.9, Code 2007, is amended to read as
69 2 follows:

69 3 231B.9 PUBLIC DISCLOSURE OF FINDINGS.

69 4 Upon completion of a monitoring evaluation or complaint
69 5 investigation of an elder group home by the department of
~~69 6 inspections and appeals~~ pursuant to this chapter, including
69 7 the conclusion of all administrative appeals processes, the
69 8 department of ~~inspections and appeals~~' department's final
69 9 findings with respect to compliance by the elder group home
69 10 with requirements for certification shall be made available to
69 11 the public in a readily available form and place. Other
69 12 information relating to an elder group home that is obtained
69 13 by the department of ~~inspections and appeals~~ which does not
69 14 constitute the department of ~~inspections and appeals~~'
69 15 department's final findings from a monitoring evaluation or
69 16 complaint investigation of the elder group home shall be made
~~69 17 available to the department of elder affairs upon request to~~
~~69 18 facilitate policy decisions, but shall not be made available~~
69 19 to the public except in proceedings involving the denial,
69 20 suspension, or revocation of a certificate under this chapter.

69 21 Sec. 150. Section 231B.10, subsection 1, unnumbered
69 22 paragraph 1, Code 2007, is amended to read as follows:

69 23 The department of ~~inspections and appeals~~ may deny,
69 24 suspend, or revoke a certificate in any case where the
69 25 department of ~~inspections and appeals~~ finds that there has
69 26 been a substantial or repeated failure on the part of the
69 27 elder group home to comply with this chapter or minimum
69 28 standards adopted under this chapter or for any of the
69 29 following reasons:

69 30 Sec. 151. Section 231B.10, subsection 2, Code 2007, is
69 31 amended to read as follows:

69 32 2. The department of ~~inspections and appeals~~ may as an
69 33 alternative to denial, suspension, or revocation conditionally
69 34 issue or continue a certificate dependent upon the performance
69 35 by the elder group home of reasonable conditions within a
70 1 reasonable period of time as set by the department of
~~70 2 inspections and appeals~~ so as to permit the program to
70 3 commence or continue the operation of the elder group home
70 4 pending full compliance with this chapter or the rules adopted
70 5 pursuant to this chapter. If the elder group home does not
70 6 make diligent efforts to comply with the conditions
70 7 prescribed, the department of ~~inspections and appeals~~ may,

70 8 under the proceedings prescribed by this chapter, deny,
70 9 suspend, or revoke the certificate. An elder group home shall
70 10 not be operated on a conditional certificate for more than one
70 11 year.

70 12 Sec. 152. Section 231B.11, Code 2007, is amended to read
70 13 as follows:

70 14 231B.11 NOTICE == APPEAL == EMERGENCY PROVISIONS.

70 15 1. The denial, suspension, or revocation of a certificate
70 16 shall be effected by delivering to the applicant or
70 17 certificate holder by restricted certified mail or by personal
70 18 service a notice setting forth the particular reasons for such
70 19 action. Such denial, suspension, or revocation shall become
70 20 effective thirty days after the mailing or service of the
70 21 notice, unless the applicant or certificate holder, within
70 22 such thirty-day period, requests a hearing, in writing, of the
70 23 department ~~of inspections and appeals~~, in which case the
70 24 notice shall be deemed to be suspended.

70 25 2. The denial, suspension, or revocation of a certificate
70 26 may be appealed in accordance with rules adopted by the
70 27 department ~~of inspections and appeals~~ in accordance with
70 28 chapter 17A.

70 29 3. When the department ~~of inspections and appeals~~ finds
70 30 that an imminent danger to the health or safety of a tenant of
70 31 an elder group home exists which requires action on an
70 32 emergency basis, the department ~~of inspections and appeals~~ may
70 33 direct removal of all tenants of the elder group home and
70 34 suspend the certificate prior to a hearing.

70 35 Sec. 153. Section 231B.12, Code 2007, is amended to read
71 1 as follows:

71 2 231B.12 DEPARTMENT NOTIFIED OF CASUALTIES.

71 3 The department ~~of inspections and appeals~~ shall be notified
71 4 within twenty-four hours, by the most expeditious means
71 5 available, of any accident causing substantial injury or death
71 6 to a tenant, and any substantial fire or natural or other
71 7 disaster occurring at or near an elder group home.

71 8 Sec. 154. Section 231B.13, Code 2007, is amended to read
71 9 as follows:

71 10 231B.13 RETALIATION BY ELDER GROUP HOME PROHIBITED.

71 11 An elder group home shall not discriminate or retaliate in
71 12 any way against a tenant, a tenant's family, or an employee of
71 13 the elder group home who has initiated or participated in any
71 14 proceeding authorized by this chapter. An elder group home
71 15 that violates this section is subject to a penalty as
71 16 established by administrative rule in accordance with chapter
71 17 17A, to be assessed and collected by the department ~~of~~
71 18 ~~inspections and appeals~~, paid into the state treasury, and
71 19 credited to the general fund of the state.

71 20 Sec. 155. Section 231B.14, subsection 2, Code 2007, is
71 21 amended to read as follows:

71 22 2. Following receipt of notice from the department ~~of~~
71 23 ~~inspections and appeals~~, continued failure or refusal to
71 24 comply within a prescribed time frame with regulatory
71 25 requirements that have a direct relationship to the health,
71 26 safety, or security of elder group home tenants.

71 27 Sec. 156. Section 231B.14, subsection 3, unnumbered
71 28 paragraph 1, Code 2007, is amended to read as follows:

71 29 Preventing or interfering with or attempting to impede in
71 30 any way any duly authorized representative of the department
71 31 ~~of inspections and appeals~~ in the lawful enforcement of this
71 32 chapter or of the rules adopted pursuant to this chapter. As
71 33 used in this subsection, "lawful enforcement" includes but is
71 34 not limited to:

71 35 Sec. 157. Section 231B.15, Code 2007, is amended to read
72 1 as follows:

72 2 231B.15 CRIMINAL PENALTIES AND INJUNCTIVE RELIEF.

72 3 A person establishing, conducting, managing, or operating
72 4 an elder group home without a certificate is guilty of a
72 5 serious misdemeanor. Each day of continuing violation after
72 6 conviction or notice from the department ~~of inspections and~~
72 7 ~~appeals~~ by certified mail of a violation shall be considered a
72 8 separate offense. A person establishing, conducting,
72 9 managing, or operating an elder group home without a
72 10 certificate may be temporarily or permanently restrained by a
72 11 court of competent jurisdiction from such activity in an
72 12 action brought by the state.

72 13 Sec. 158. Section 231B.17, subsection 1, Code 2007, is
72 14 amended to read as follows:

72 15 1. The department ~~of inspections and appeals~~ shall collect
72 16 elder group home certification and related fees. Fees
72 17 collected and retained pursuant to this section shall be
72 18 deposited in the general fund of the state.

72 19 Sec. 159. Section 231B.20, Code 2007, is amended to read
72 20 as follows:
72 21 231B.20 NURSING ASSISTANT AND MEDICATION AIDE ==
72 22 CERTIFICATION.
72 23 The department ~~of inspections and appeals~~, in cooperation
72 24 with other appropriate agencies, shall establish a procedure
72 25 to allow nursing assistants or medication aides to claim work
72 26 within an elder group home as credit toward sustaining the
72 27 nursing assistant's or medication aide's certification.
72 28 Sec. 160. Section 231C.1, subsection 3, Code 2007, is
72 29 amended by striking the subsection and inserting in lieu
72 30 thereof the following:
72 31 3. It is the intent of the general assembly that the
72 32 department promote a social model for assisted living programs
72 33 and a consultative process to assist with compliance by
72 34 assisted living programs.
72 35 Sec. 161. Section 231C.2, subsection 3, Code 2007, is
73 1 amended to read as follows:
73 2 3. "Department" means the department of ~~elder affairs~~
73 3 ~~created in chapter 231 inspections and appeals~~ or the
73 4 department's designee.
73 5 Sec. 162. Section 231C.3, subsection 1, unnumbered
73 6 paragraph 1, Code 2007, is amended to read as follows:
73 7 The department shall establish by rule in accordance with
73 8 chapter 17A minimum standards for certification and monitoring
73 9 of assisted living programs. The department may adopt by
73 10 reference with or without amendment, nationally recognized
73 11 standards and rules for assisted living programs. The rules
73 12 shall include specification of recognized accrediting entities
73 13 and provisions related to dementia-specific programs. The
73 14 standards and rules shall be formulated in consultation with
73 15 ~~the department of inspections and appeals~~ affected state
73 16 agencies and affected industry, professional, and consumer
73 17 groups; ~~i~~ shall be designed to accomplish the purposes of this
73 18 chapter; ~~i~~ and shall include but are not limited to rules
73 19 relating to all of the following:
73 20 Sec. 163. Section 231C.3, subsection 1, paragraph b, Code
73 21 2007, is amended to read as follows:
73 22 b. Requirements that assisted living programs furnish the
73 23 department ~~of elder affairs and the department of inspections~~
73 24 ~~and appeals~~ with specified information necessary to administer
73 25 this chapter. All information related to a provider
73 26 application for an assisted living program submitted to ~~either~~
73 27 ~~the department of elder affairs or the department of~~
73 28 ~~inspections and appeals~~ shall be considered a public record
73 29 pursuant to chapter 22.
73 30 Sec. 164. Section 231C.3, subsection 2, Code 2007, is
73 31 amended to read as follows:
73 32 2. Each assisted living program operating in this state
73 33 shall be certified by the department ~~of inspections and~~
73 34 ~~appeals~~. If an assisted living program is voluntarily
73 35 accredited by a recognized accrediting entity, the department
74 1 ~~of inspections and appeals~~ shall certify the assisted living
74 2 program on the basis of the voluntary accreditation. An
74 3 assisted living program that is certified by the department ~~of~~
74 4 ~~inspections and appeals~~ on the basis of voluntary
74 5 accreditation shall not be subject to payment of the
74 6 certification fee prescribed in section 231C.18, but shall be
74 7 subject to an administrative fee as prescribed by rule. An
74 8 assisted living program certified under this section is exempt
74 9 from the requirements of section 135.63 relating to
74 10 certificate of need requirements.
74 11 Sec. 165. Section 231C.3, subsection 5, unnumbered
74 12 paragraph 1, Code 2007, is amended to read as follows:
74 13 The department ~~of inspections and appeals~~ may enter into
74 14 contracts to provide certification and monitoring of assisted
74 15 living programs. The department ~~of inspections and appeals~~
74 16 shall:
74 17 Sec. 166. Section 231C.3, subsections 6, 7, 8, 10, and 11,
74 18 Code 2007, are amended to read as follows:
74 19 6. The department may also establish by rule in accordance
74 20 with chapter 17A minimum standards for subsidized and
74 21 dementia-specific assisted living programs. The rules shall
74 22 be formulated in consultation with ~~the department of~~
74 23 ~~inspections and appeals~~ affected state agencies and affected
74 24 industry, professional, and consumer groups.
74 25 7. A department, agency, or officer of this state or of
74 26 any governmental unit shall not pay or approve for payment
74 27 from public funds any amount to an assisted living program for
74 28 an actual or prospective tenant, unless the program holds a
74 29 current certificate issued by the department ~~of inspections~~

~~74 30 and appeals~~ and meets all current requirements for
74 31 certification.

74 32 8. The department shall adopt rules regarding the
74 33 conducting or operating of another business or activity in the
74 34 distinct part of the physical structure in which the assisted
74 35 living program is provided, if the business or activity serves
75 1 nontenants. The rules shall be developed in consultation with
75 2 ~~the department of inspections and appeals affected state~~
75 3 ~~agencies~~ and affected industry, professional, and consumer
75 4 groups.

75 5 10. ~~The department of elder affairs and the department of~~
~~75 6 inspections and appeals~~ shall conduct joint training sessions
75 7 for personnel responsible for conducting monitoring
75 8 evaluations and complaint investigations of assisted living
75 9 programs.

75 10 11. Certification of an assisted living program shall be
75 11 for two years unless certification is revoked for good cause
75 12 by the department ~~of inspections and appeals~~.

75 13 Sec. 167. Section 231C.4, Code 2007, is amended to read as
75 14 follows:

75 15 231C.4 FIRE AND SAFETY STANDARDS.

75 16 The state fire marshal shall adopt rules, in coordination
75 17 with the department ~~of elder affairs and the department of~~
~~75 18 inspections and appeals~~, relating to the certification and
75 19 monitoring of the fire and safety standards of certified
75 20 assisted living programs.

75 21 Sec. 168. Section 231C.5, subsection 3, Code 2007, is
75 22 amended to read as follows:

75 23 3. Occupancy agreements and related documents executed by
75 24 each tenant or the tenant's legal representative shall be
75 25 maintained by the assisted living program in program files
75 26 from the date of execution until three years from the date the
75 27 occupancy agreement is terminated. A copy of the most current
75 28 occupancy agreement shall be provided to members of the
75 29 general public, upon request. Occupancy agreements and
75 30 related documents shall be made available for on-site
75 31 inspection to the department ~~of inspections and appeals~~ upon
75 32 request and at reasonable times.

75 33 Sec. 169. Section 231C.6, subsection 1, unnumbered
75 34 paragraph 1, Code 2007, is amended to read as follows:

75 35 If an assisted living program initiates the involuntary
76 1 transfer of a tenant and the action is not a result of a
76 2 monitoring evaluation or complaint investigation by the
76 3 department ~~of inspections and appeals~~, and if the tenant or
76 4 the tenant's legal representative contests the transfer, the
76 5 following procedure shall apply:

76 6 Sec. 170. Section 231C.6, subsection 2, Code 2007, is
76 7 amended to read as follows:

76 8 2. The department, in consultation with ~~the department of~~
~~76 9 inspections and appeals affected state agencies~~ and affected
76 10 industry, professional, and consumer groups, shall establish,
76 11 by rule in accordance with chapter 17A, procedures to be
76 12 followed, including the opportunity for hearing, when the
76 13 transfer of a tenant results from a monitoring evaluation or
76 14 complaint investigation conducted by the department ~~of~~
~~76 15 inspections and appeals~~.

76 16 Sec. 171. Section 231C.7, Code 2007, is amended to read as
76 17 follows:

76 18 231C.7 COMPLAINTS.

76 19 1. Any person with concerns regarding the operations or
76 20 service delivery of an assisted living program may file a
76 21 complaint with the department ~~of inspections and appeals~~. The
76 22 name of the person who files a complaint with the department
76 23 ~~of inspections and appeals~~ and any personal identifying
76 24 information of the person or any tenant identified in the
76 25 complaint shall be kept confidential and shall not be subject
76 26 to discovery, subpoena, or other means of legal compulsion for
76 27 its release to a person other than department ~~of inspections~~
~~76 28 and appeals~~ employees involved with the complaint.

76 29 2. The department, ~~in cooperation with the department of~~
~~76 30 inspections and appeals~~, shall establish procedures for the
76 31 disposition of complaints received in accordance with this
76 32 section.

76 33 Sec. 172. Section 231C.8, Code 2007, is amended to read as
76 34 follows:

76 35 231C.8 INFORMAL REVIEW.

77 1 1. If an assisted living program contests the regulatory
77 2 insufficiencies of a monitoring evaluation or complaint
77 3 investigation, the program shall submit written information,
77 4 demonstrating that the program was in compliance with the
77 5 applicable requirement at the time of the monitoring

77 6 evaluation or complaint investigation, in support of the
77 7 contesting of the regulatory insufficiencies, to the
77 8 department of inspections and appeals for review.

77 9 2. The department of inspections and appeals shall review
77 10 the written information submitted within ten working days of
77 11 the receipt of the information. At the conclusion of the
77 12 review, the department of inspections and appeals may affirm,
77 13 modify, or dismiss the regulatory insufficiencies. The
77 14 department of inspections and appeals shall notify the program
77 15 in writing of the decision to affirm, modify, or dismiss the
77 16 regulatory insufficiencies, and the reasons for the decision.

77 17 3. In the case of a complaint investigation, the
77 18 department of inspections and appeals shall also notify the
77 19 complainant, if known, of the decision and the reasons for the
77 20 decision.

77 21 Sec. 173. Section 231C.9, Code 2007, is amended to read as
77 22 follows:

77 23 231C.9 PUBLIC DISCLOSURE OF FINDINGS.

77 24 Upon completion of a monitoring evaluation or complaint
77 25 investigation of an assisted living program by the department
77 26 of inspections and appeals pursuant to this chapter, including
77 27 the conclusion of all administrative appeals processes, the
77 28 department of inspections and appeals' department's final
77 29 findings with respect to compliance by the assisted living
77 30 program with requirements for certification shall be made
77 31 available to the public in a readily available form and place.
77 32 Other information relating to an assisted living program that
77 33 is obtained by the department of inspections and appeals which
77 34 does not constitute the department of inspections and appeals'
77 35 department's final findings from a monitoring evaluation or
78 1 complaint investigation of the assisted living program shall
78 2 be made available to the department of elder affairs upon
78 3 request in order to facilitate policy decisions, but shall not
78 4 be made available to the public except in proceedings
78 5 involving the denial, suspension, or revocation of a
78 6 certificate under this chapter.

78 7 Sec. 174. Section 231C.10, subsection 1, unnumbered
78 8 paragraph 1, Code 2007, is amended to read as follows:

78 9 The department of inspections and appeals may deny,
78 10 suspend, or revoke a certificate in any case where the
78 11 department of inspections and appeals finds that there has
78 12 been a substantial or repeated failure on the part of the
78 13 assisted living program to comply with this chapter or the
78 14 rules, or minimum standards adopted under this chapter, or for
78 15 any of the following reasons:

78 16 Sec. 175. Section 231C.10, subsection 2, Code 2007, is
78 17 amended to read as follows:

78 18 2. The department of inspections and appeals may as an
78 19 alternative to denial, suspension, or revocation conditionally
78 20 issue or continue a certificate dependent upon the performance
78 21 by the assisted living program of reasonable conditions within
78 22 a reasonable period of time as set by the department of
78 23 inspections and appeals so as to permit the program to
78 24 commence or continue the operation of the program pending full
78 25 compliance with this chapter or the rules adopted pursuant to
78 26 this chapter. If the assisted living program does not make
78 27 diligent efforts to comply with the conditions prescribed, the
78 28 department of inspections and appeals may, under the
78 29 proceedings prescribed by this chapter, suspend, or revoke the
78 30 certificate. An assisted living program shall not be operated
78 31 on a conditional certificate for more than one year.

78 32 Sec. 176. Section 231C.11, Code 2007, is amended to read
78 33 as follows:

78 34 231C.11 NOTICE == APPEAL == EMERGENCY PROVISIONS.

78 35 1. The denial, suspension, or revocation of a certificate
79 1 shall be effected by delivering to the applicant or
79 2 certificate holder by restricted certified mail or by personal
79 3 service a notice setting forth the particular reasons for such
79 4 action. Such denial, suspension, or revocation shall become
79 5 effective thirty days after the mailing or service of the
79 6 notice, unless the applicant or certificate holder, within
79 7 such thirty-day period, requests a hearing, in writing, of the
79 8 department of inspections and appeals, in which case the
79 9 notice shall be deemed to be suspended.

79 10 2. The denial, suspension, or revocation of a certificate
79 11 may be appealed in accordance with rules adopted by the
79 12 department of inspections and appeals in accordance with
79 13 chapter 17A.

79 14 3. When the department of inspections and appeals finds
79 15 that an imminent danger to the health or safety of tenants of
79 16 an assisted living program exists which requires action on an

79 17 emergency basis, the department ~~of inspections and appeals~~ may
79 18 direct removal of all tenants of an assisted living program
79 19 and suspend the certificate prior to a hearing.
79 20 Sec. 177. Section 231C.12, Code 2007, is amended to read
79 21 as follows:
79 22 231C.12 DEPARTMENT NOTIFIED OF CASUALTIES.
79 23 The department ~~of inspections and appeals~~ shall be notified
79 24 within twenty-four hours, by the most expeditious means
79 25 available, of any accident causing substantial injury or
79 26 death, and any substantial fire or natural or other disaster
79 27 occurring at or near an assisted living program.
79 28 Sec. 178. Section 231C.13, Code 2007, is amended to read
79 29 as follows:
79 30 231C.13 RETALIATION BY ASSISTED LIVING PROGRAM PROHIBITED.
79 31 An assisted living program shall not discriminate or
79 32 retaliate in any way against a tenant, tenant's family, or an
79 33 employee of the program who has initiated or participated in
79 34 any proceeding authorized by this chapter. An assisted living
79 35 program that violates this section is subject to a penalty as
80 1 established by administrative rule in accordance with chapter
80 2 17A, to be assessed and collected by the department ~~of~~
~~80 3 inspections and appeals~~, paid into the state treasury, and
80 4 credited to the general fund of the state.
80 5 Sec. 179. Section 231C.14, subsection 2, Code 2007, is
80 6 amended to read as follows:
80 7 2. Following receipt of notice from the department ~~of~~
~~80 8 inspections and appeals~~, continued failure or refusal to
80 9 comply within a prescribed time frame with regulatory
80 10 requirements that have a direct relationship to the health,
80 11 safety, or security of program tenants.
80 12 Sec. 180. Section 231C.14, subsection 3, unnumbered
80 13 paragraph 1, Code 2007, is amended to read as follows:
80 14 Preventing or interfering with or attempting to impede in
80 15 any way any duly authorized representative of the department
80 16 ~~of inspections and appeals~~ in the lawful enforcement of this
80 17 chapter or of the rules adopted pursuant to this chapter. As
80 18 used in this subsection, "lawful enforcement" includes but is
80 19 not limited to:
80 20 Sec. 181. Section 231C.15, Code 2007, is amended to read
80 21 as follows:
80 22 231C.15 CRIMINAL PENALTIES AND INJUNCTIVE RELIEF.
80 23 A person establishing, conducting, managing, or operating
80 24 any assisted living program without a certificate is guilty of
80 25 a serious misdemeanor. Each day of continuing violation after
80 26 conviction or notice from the department ~~of inspections and~~
~~80 27 appeals~~ by certified mail of a violation shall be considered a
80 28 separate offense or chargeable offense. A person
80 29 establishing, conducting, managing, or operating an assisted
80 30 living program without a certificate may be temporarily or
80 31 permanently restrained by a court of competent jurisdiction
80 32 from such activity in an action brought by the state.
80 33 Sec. 182. Section 231C.16, Code 2007, is amended to read
80 34 as follows:
80 35 231C.16 NURSING ASSISTANT AND MEDICATION AIDE ==
81 1 CERTIFICATION.
81 2 The department ~~of inspections and appeals~~, in cooperation
81 3 with other appropriate agencies, shall establish a procedure
81 4 to allow nursing assistants or medication aides to claim work
81 5 within an assisted living program as credit toward sustaining
81 6 the nursing assistant's or medication aide's certification.
81 7 Sec. 183. Section 231C.18, subsection 1, Code 2007, is
81 8 amended to read as follows:
81 9 1. The department ~~of inspections and appeals~~ shall collect
81 10 assisted living program certification and related fees. An
81 11 assisted living program that is certified by the department ~~of~~
~~81 12 inspections and appeals~~ on the basis of voluntary
81 13 accreditation by a recognized accrediting entity shall not be
81 14 subject to payment of the certification fee, but shall be
81 15 subject to an administrative fee as prescribed by rule. Fees
81 16 collected and retained pursuant to this section shall be
81 17 deposited in the general fund of the state.
81 18 Sec. 184. Section 231D.1, subsection 3, Code 2007, is
81 19 amended to read as follows:
81 20 3. "Department" means the department of ~~elder affairs~~
~~81 21 created in chapter 231 inspections and appeals~~.
81 22 Sec. 185. Section 231D.2, subsection 2, Code 2007, is
81 23 amended by striking the subsection.
81 24 Sec. 186. Section 231D.2, subsections 3 and 4, Code 2007,
81 25 are amended to read as follows:
81 26 3. The department shall establish, by rule in accordance
81 27 with chapter 17A, a program for certification and monitoring

81 28 of and complaint investigations related to adult day services
81 29 programs. The department, in establishing minimum standards
81 30 for adult day services programs, may adopt by rule in
81 31 accordance with chapter 17A, nationally recognized standards
81 32 for adult day services programs. The rules shall include
81 33 specification of recognized accrediting entities. The rules
81 34 shall include a requirement that sufficient staffing be
81 35 available at all times to fully meet a participant's
82 1 identified needs. The rules shall include a requirement that
82 2 no fewer than two staff persons who monitor participants as
82 3 indicated in each participant's service plan shall be awake
82 4 and on duty during the hours of operation when two or more
82 5 participants are present. The rules and minimum standards
82 6 adopted shall be formulated in consultation with ~~the~~
~~82 7 department of inspections and appeals affected state agencies~~
82 8 and affected industry, professional, and consumer groups and
82 9 shall be designed to accomplish the purpose of this chapter.
82 10 4. The department may establish by administrative rule, in
82 11 accordance with chapter 17A, specific rules related to minimum
82 12 standards for dementia-specific adult day services programs.
82 13 The rules shall be formulated in consultation with ~~the~~
~~82 14 department of inspections and appeals affected state agencies~~
82 15 and affected industry, professional, and consumer groups.
82 16 Sec. 187. Section 231D.3, subsections 1, 3, 4, 5, 6, and
82 17 7, Code 2007, are amended to read as follows:
82 18 1. A person or governmental unit acting severally or
82 19 jointly with any other person or governmental unit shall not
82 20 establish or operate an adult day services program and shall
82 21 not represent an adult day services program to the public as
82 22 certified unless and until the program is certified pursuant
82 23 to this chapter. If an adult day services program is
82 24 voluntarily accredited by a recognized accrediting entity with
82 25 specific adult day services standards, the department of
~~82 26 inspections and appeals~~ shall accept voluntary accreditation
82 27 as the basis for certification by the department. The owner
82 28 or manager of a certified adult day services program shall
82 29 comply with the rules adopted by the department for an adult
82 30 day services program.
82 31 3. An adult day services program that has been certified
82 32 by the department of ~~inspections and appeals~~ shall not alter
82 33 the program, operation, or adult day services for which the
82 34 program is certified in a manner that affects continuing
82 35 certification without prior approval of the department of
~~83 1 inspections and appeals~~. The department of ~~inspections and~~
~~83 2 appeals~~ shall specify, by rule, alterations that are subject
83 3 to prior approval.
83 4 4. A department, agency, or officer of this state or of
83 5 any governmental unit shall not pay or approve for payment
83 6 from public funds any amount to an adult day services program
83 7 for an actual or prospective participant, unless the program
83 8 holds a current certificate issued by the department of
~~83 9 inspections and appeals~~ and meets all current requirements for
83 10 certification.
83 11 5. The department shall adopt rules regarding the
83 12 conducting or operating of another business or activity in the
83 13 distinct part of the physical structure in which the adult day
83 14 services program is provided, if the business or activity
83 15 serves persons who are not participants. The rules shall be
83 16 developed in consultation with ~~the department of inspections~~
~~83 17 and appeals affected state agencies~~ and affected industry,
83 18 professional, and consumer groups.
83 19 6. The department of ~~elder affairs and the department of~~
~~83 20 inspections and appeals~~ shall conduct joint training sessions
83 21 for personnel responsible for conducting monitoring
83 22 evaluations and complaint investigations of adult day services
83 23 programs.
83 24 7. Certification of an adult day services program shall be
83 25 for two years unless revoked for good cause by the department
83 26 of ~~inspections and appeals~~.
83 27 Sec. 188. Section 231D.4, subsection 1, Code 2007, is
83 28 amended to read as follows:
83 29 1. Certificates for adult day services programs shall be
83 30 obtained from the department of ~~inspections and appeals~~.
83 31 Applications shall be upon such forms and shall include such
83 32 information as the department of ~~inspections and appeals~~ may
83 33 reasonably require, which may include affirmative evidence of
83 34 compliance with applicable statutes and local ordinances.
83 35 Each application for certification shall be accompanied by the
84 1 appropriate fee.
84 2 Sec. 189. Section 231D.4, subsection 2, paragraph a, Code
84 3 2007, is amended to read as follows:

84 4 a. The department of inspections and appeals shall collect
84 5 adult day services certification fees. The fees shall be
84 6 deposited in the general fund of the state.

84 7 Sec. 190. Section 231D.5, subsection 1, unnumbered
84 8 paragraph 1, Code 2007, is amended to read as follows:
84 9 The department of inspections and appeals may deny,
84 10 suspend, or revoke certification if the department of
84 11 inspections and appeals finds that there has been a
84 12 substantial or repeated failure on the part of the adult day
84 13 services program to comply with this chapter or the rules or
84 14 minimum standards adopted pursuant to this chapter, or for any
84 15 of the following reasons:
84 16 Sec. 191. Section 231D.5, subsection 3, Code 2007, is
84 17 amended to read as follows:
84 18 3. In the case of a certificate applicant or existing
84 19 certificate holder which is an entity other than an
84 20 individual, the department of inspections and appeals may
84 21 deny, suspend, or revoke a certificate if any individual who
84 22 is in a position of control or is an officer of the entity
84 23 engages in any act or omission proscribed by this section.

84 24 Sec. 192. Section 231D.6, Code 2007, is amended to read as
84 25 follows:
84 26 231D.6 NOTICE == APPEAL == EMERGENCY PROVISIONS.
84 27 1. The denial, suspension, or revocation of a certificate
84 28 shall be effected by delivering to the applicant or
84 29 certificate holder by restricted certified mail or by personal
84 30 service a notice setting forth the particular reasons for the
84 31 action. The denial, suspension, or revocation shall become
84 32 effective thirty days after the mailing or service of the
84 33 notice, unless the applicant or certificate holder, within the
84 34 thirty-day period, requests a hearing, in writing, of the
84 35 department of inspections and appeals, in which case the
85 1 notice shall be deemed to be suspended.

85 2 2. The denial, suspension, or revocation of a certificate
85 3 may be appealed in accordance with rules adopted by the
85 4 department of inspections and appeals in accordance with
85 5 chapter 17A.

85 6 3. When the department of inspections and appeals finds
85 7 that an immediate danger to the health or safety of
85 8 participants in an adult day services program exists which
85 9 requires action on an emergency basis, the department of
85 10 inspections and appeals may direct the removal of all
85 11 participants in the adult day services program and suspend the
85 12 certificate prior to a hearing.

85 13 Sec. 193. Section 231D.7, Code 2007, is amended to read as
85 14 follows:
85 15 231D.7 CONDITIONAL OPERATION.
85 16 The department of inspections and appeals may, as an
85 17 alternative to denial, suspension, or revocation of
85 18 certification under section 231D.5, conditionally issue or
85 19 continue certification dependent upon the performance by the
85 20 adult day services program of reasonable conditions within a
85 21 reasonable period of time as prescribed by the department of
85 22 inspections and appeals so as to permit the program to
85 23 commence or continue the operation of the program pending full
85 24 compliance with this chapter or the rules adopted pursuant to
85 25 this chapter. If the adult day services program does not make
85 26 diligent efforts to comply with the conditions prescribed, the
85 27 department of inspections and appeals may, under the
85 28 proceedings prescribed by this chapter, suspend or revoke the
85 29 certificate. An adult day services program shall not be
85 30 operated under conditional certification for more than one
85 31 year.

85 32 Sec. 194. Section 231D.8, Code 2007, is amended to read as
85 33 follows:
85 34 231D.8 DEPARTMENT NOTIFIED OF CASUALTIES.
85 35 The department of inspections and appeals shall be notified
86 1 within twenty-four hours, by the most expeditious means
86 2 available, of any accident causing substantial injury or
86 3 death, and any substantial fire or natural or other disaster
86 4 occurring at or near an adult day services program.

86 5 Sec. 195. Section 231D.9, Code 2007, is amended to read as
86 6 follows:
86 7 231D.9 COMPLAINTS AND CONFIDENTIALITY.
86 8 1. A person with concerns regarding the operations or
86 9 service delivery of an adult day services program may file a
86 10 complaint with the department of inspections and appeals. The
86 11 name of the person who files a complaint with the department
86 12 of inspections and appeals and any personal identifying
86 13 information of the person or any participant identified in the
86 14 complaint shall be kept confidential and shall not be subject

86 15 to discovery, subpoena, or other means of legal compulsion for
86 16 its release to a person other than employees of the department
86 17 ~~of inspections and appeals~~ involved in the investigation of
86 18 the complaint.

86 19 2. ~~The department, in cooperation with the department of~~
86 20 ~~inspections and appeals,~~ shall establish procedures for the
86 21 disposition of complaints received in accordance with this
86 22 section.

86 23 Sec. 196. Section 231D.9A, Code 2007, is amended to read
86 24 as follows:

86 25 231D.9A INFORMAL REVIEW.

86 26 1. If an adult day services program contests the findings
86 27 of regulatory insufficiencies of a monitoring evaluation or
86 28 complaint investigation, the program shall submit written
86 29 information, demonstrating that the program was in compliance
86 30 with the applicable requirement at the time of the monitoring
86 31 evaluation or complaint investigation, to the department ~~of~~
86 32 ~~inspections and appeals~~ for review.

86 33 2. ~~The department of inspections and appeals~~ shall review
86 34 the written information submitted within ten working days of
86 35 the receipt of the information. At the conclusion of the
87 1 review, the department ~~of inspections and appeals~~ may affirm,
87 2 modify, or dismiss the regulatory insufficiencies. The
87 3 department ~~of inspections and appeals~~ shall notify the program
87 4 in writing of the decision to affirm, modify, or dismiss the
87 5 regulatory insufficiencies, and the reasons for the decision.

87 6 3. In the case of a complaint investigation, the
87 7 department ~~of inspections and appeals~~ shall also notify the
87 8 complainant, if known, of the decision and the reasons for the
87 9 decision.

87 10 Sec. 197. Section 231D.10, Code 2007, is amended to read
87 11 as follows:

87 12 231D.10 PUBLIC DISCLOSURE OF FINDINGS.

87 13 Upon completion of a monitoring evaluation or complaint
87 14 investigation of an adult day services program by the
87 15 department ~~of inspections and appeals~~ pursuant to this
87 16 chapter, including the conclusion of all administrative
87 17 appeals processes, the department's final findings with
87 18 respect to compliance by the adult day services program with
87 19 requirements for certification shall be made available to the
87 20 public in a readily available form and place. Other
87 21 information relating to an adult day services program that is
87 22 obtained by the department ~~of inspections and appeals~~ which
87 23 does not constitute the department's final findings from a
87 24 monitoring evaluation or complaint investigation of the adult
87 25 day services program shall ~~be made available to the department~~
87 26 ~~upon request to facilitate policy decisions, but shall not be~~
87 27 made available to the public except in proceedings involving
87 28 the denial, suspension, or revocation of a certificate under
87 29 this chapter.

87 30 Sec. 198. Section 231D.11, subsection 1, Code 2007, is
87 31 amended to read as follows:

87 32 1. A person establishing, conducting, managing, or
87 33 operating an adult day services program without a certificate
87 34 is guilty of a serious misdemeanor. Each day of continuing
87 35 violation after conviction or notice from the department ~~of~~
88 1 ~~inspections and appeals~~ by certified mail of a violation shall
88 2 be considered a separate offense or chargeable offense. A
88 3 person establishing, conducting, managing, or operating an
88 4 adult day services program without a certificate may be
88 5 temporarily or permanently restrained by a court of competent
88 6 jurisdiction from such activity in an action brought by the
88 7 state.

88 8 Sec. 199. Section 231D.11, subsection 2, paragraph c,
88 9 unnumbered paragraph 1, Code 2007, is amended to read as
88 10 follows:

88 11 Preventing or interfering with or attempting to impede in
88 12 any way any duly authorized representative of the department
88 13 ~~of inspections and appeals~~ in the lawful enforcement of this
88 14 chapter or of the rules adopted pursuant to this chapter. As
88 15 used in this paragraph, "lawful enforcement" includes but is
88 16 not limited to:

88 17 Sec. 200. Section 231D.12, Code 2007, is amended to read
88 18 as follows:

88 19 231D.12 RETALIATION BY ADULT DAY SERVICES PROGRAM

88 20 PROHIBITED.

88 21 1. An adult day services program shall not discriminate or
88 22 retaliate in any way against a participant, participant's
88 23 family, or an employee of the program who has initiated or
88 24 participated in any proceeding authorized by this chapter. An
88 25 adult day services program that violates this section is

88 26 subject to a penalty as established by administrative rule, to
88 27 be assessed and collected by the department ~~of inspections and~~
~~88 28 appeals~~, paid into the state treasury, and credited to the
88 29 general fund of the state.

88 30 2. Any attempt to discharge a participant from an adult
88 31 day services program by whom or upon whose behalf a complaint
88 32 has been submitted to the department ~~of inspections and~~
~~88 33 appeals~~ under section 231D.9, within ninety days after the
88 34 filing of the complaint or the conclusion of any proceeding
88 35 resulting from the complaint, shall raise a rebuttable
89 1 presumption that the action was taken by the program in
89 2 retaliation for the filing of the complaint, except in
89 3 situations in which the participant is discharged due to
89 4 changes in health status which exceed the level of care
89 5 offered by the adult day services program or in other
89 6 situations as specified by rule.

89 7 Sec. 201. Section 231D.13, Code 2007, is amended to read
89 8 as follows:
89 9 231D.13 NURSING ASSISTANT AND MEDICATION AIDE ==
89 10 CERTIFICATION.

89 11 The department ~~of inspections and appeals~~, in cooperation
89 12 with other appropriate agencies, shall establish a procedure
89 13 to allow nursing assistants or medication aides to claim work
89 14 within adult day services programs as credit toward sustaining
89 15 the nursing assistant's or medication aide's certification.

89 16 Sec. 202. Section 231D.15, Code 2007, is amended to read
89 17 as follows:
89 18 231D.15 FIRE AND SAFETY STANDARDS.

89 19 The state fire marshal shall adopt rules, in coordination
89 20 with the department ~~of elder affairs and the department of~~
~~89 21 inspections and appeals~~, relating to the certification and
89 22 monitoring of the fire and safety standards of adult day
89 23 services programs.

89 24 Sec. 203. Section 231D.17, subsection 3, Code 2007, is
89 25 amended to read as follows:
89 26 3. Written contractual agreements and related documents
89 27 executed by each participant or participant's legal
89 28 representative shall be maintained by the adult day services
89 29 program in program files from the date of execution until
89 30 three years from the date the written contractual agreement is
89 31 terminated. A copy of the most current written contractual
89 32 agreement shall be provided to members of the general public,
89 33 upon request. Written contractual agreements and related
89 34 documents shall be made available for on-site inspection to
89 35 the department ~~of inspections and appeals~~ upon request and at
90 1 reasonable times.

90 2 Sec. 204. Section 231D.18, subsection 1, unnumbered
90 3 paragraph 1, Code 2007, is amended to read as follows:
90 4 If an adult day services program initiates the involuntary
90 5 transfer of a participant and the action is not a result of a
90 6 monitoring evaluation or complaint investigation by the
90 7 department ~~of inspections and appeals~~, and if the participant
90 8 or participant's legal representative contests the transfer,
90 9 the following procedure shall apply:

90 10 Sec. 205. Section 231D.18, subsection 2, Code 2007, is
90 11 amended to read as follows:
90 12 2. The department, in consultation with ~~the department of~~
~~90 13 inspections and appeals~~ affected state agencies and affected
90 14 industry, professional, and consumer groups, shall establish
90 15 by rule, in accordance with chapter 17A, procedures to be
90 16 followed, including the opportunity for hearing, when the
90 17 transfer of a participant results from a monitoring evaluation
90 18 or complaint investigation conducted by the department ~~of~~
~~90 19 inspections and appeals~~.

90 20 Sec. 206. ADMINISTRATIVE RULES == TRANSITION PROVISIONS.

90 21 1. Any rule, regulation, form, order, or directive
90 22 promulgated by the department of elder affairs and in effect
90 23 on the effective date of this Act shall continue in full force
90 24 and effect until amended, repealed, or supplemented by
90 25 affirmative action of the department of inspections and
90 26 appeals under the duties and powers of the department of
90 27 inspections and appeals as established in this Act and under
90 28 the procedure established in subsection 2.

90 29 Any license, certification, or permit issued by the
90 30 department of elder affairs and in effect on the effective
90 31 date of this Act shall continue in full force and effect until
90 32 expiration or renewal.

90 33 2. In regard to updating references and format in the Iowa
90 34 administrative code in order to correspond to the
90 35 restructuring of state government as established in this Act,
91 1 the administrative rules coordinator and the administrative

91 2 rules review committee, in consultation with the
91 3 administrative code editor, shall jointly develop a schedule
91 4 for the necessary updating of the Iowa administrative code.

91 5 DIVISION VIII
91 6 FOOD INSPECTIONS

91 7 Sec. 207. Section 137C.6, Code 2007, is amended to read as
91 8 follows:

91 9 137C.6 AUTHORITY TO ENFORCE.

91 10 1. The director shall regulate, license, and inspect
91 11 hotels and enforce the Iowa hotel sanitation code in Iowa.
91 12 Municipal corporations shall not regulate, license, inspect,
91 13 or collect license fees from hotels except as provided for in
91 14 the Iowa hotel sanitation code.

91 15 2. If a municipal corporation wants its local board of
91 16 health to license, inspect, and otherwise enforce the Iowa
91 17 hotel sanitation code within its jurisdiction, the municipal
91 18 corporation may enter into an agreement to do so with the
91 19 director. The director may enter into the agreement if the
91 20 director finds that the local board of health has adequate
91 21 resources to perform the required functions. A municipal
91 22 corporation may only enter into an agreement to enforce the
91 23 Iowa hotel sanitation code if it also agrees to enforce the
91 24 ~~Iowa food code rules setting minimum standards to protect~~
91 25 ~~consumers from foodborne illness adopted pursuant to section~~

91 26 ~~137F.3~~ 137F.2.

91 27 3. A local board of health that is responsible for
91 28 enforcing the Iowa hotel sanitation code within its
91 29 jurisdiction pursuant to an agreement, shall make an annual
91 30 report to the director providing the following information:

91 31 ~~1-~~ a. The total number of hotel licenses granted or
91 32 renewed during the year.
91 33 ~~2-~~ b. The number of hotel licenses granted or renewed
91 34 during the year broken down into the following categories:
91 35 ~~a-~~ (1) Hotels containing fifteen guest rooms or less.
92 1 ~~b-~~ (2) Hotels containing more than fifteen but less than
92 2 thirty-one guest rooms.
92 3 ~~c-~~ (3) Hotels containing more than thirty but less than
92 4 seventy-six guest rooms.
92 5 ~~d-~~ (4) Hotels containing more than seventy-five but less
92 6 than one hundred fifty guest rooms.
92 7 ~~e-~~ (5) Hotels containing one hundred fifty or more guest
92 8 rooms.

92 9 ~~3-~~ c. The amount of money collected in license fees
92 10 during the year.

92 11 ~~4-~~ d. Other information the director requests.

92 12 4. The director shall monitor local boards of health to
92 13 determine if they are enforcing the Iowa hotel sanitation code
92 14 within their respective jurisdictions. If the director
92 15 determines that the Iowa hotel sanitation code is enforced by
92 16 a local board of health, such enforcement shall be accepted in
92 17 lieu of enforcement by the department in that jurisdiction.
92 18 If the director determines that the Iowa hotel sanitation code
92 19 is not enforced by a local board of health, the director may
92 20 rescind the agreement after reasonable notice and an
92 21 opportunity for a hearing. If the agreement is rescinded, the
92 22 director shall assume responsibility for enforcement in the
92 23 jurisdiction involved.

92 24 Sec. 208. Section 137C.9, Code 2007, is amended to read as
92 25 follows:

92 26 137C.9 LICENSE FEES.

92 27 1. Either the department or the municipal corporation
92 28 shall collect the following annual license fees:

92 29 ~~1-~~ a. For a hotel containing fifteen guest rooms or less,
92 30 ~~twenty~~ twenty-seven dollars.

92 31 ~~2-~~ b. For a hotel containing more than fifteen but less
92 32 than thirty-one guest rooms, ~~thirty~~ forty dollars ~~and fifty~~
92 33 ~~cents~~.

92 34 ~~3-~~ c. For a hotel containing more than thirty but less
92 35 than seventy-six guest rooms, ~~forty~~ fifty-four dollars.

93 1 ~~4-~~ d. For a hotel containing more than seventy-five but
93 2 less than one hundred fifty guest rooms, ~~fifty~~ fifty-seven
93 3 dollars ~~and fifty cents~~.

93 4 ~~5-~~ e. For a hotel containing one hundred fifty or more
93 5 guest rooms, ~~seventy-five~~ one hundred one dollars ~~and~~
93 6 ~~twenty-five cents~~.

93 7 2. Fees collected by the department shall be deposited in
93 8 the general fund of the state. Fees collected by a municipal
93 9 corporation shall be retained by it and for its use.

93 10 Sec. 209. Section 137D.2, subsection 1, Code 2007, is
93 11 amended to read as follows:

93 12 1. A person shall not open or operate a home food

93 13 establishment until a license has been obtained from the
93 14 department of inspections and appeals. The department shall
93 15 collect a fee of ~~twenty-five~~ thirty-three dollars and
93 16 ~~seventy-five cents~~ for a license. After collection, the fees
93 17 shall be deposited in the general fund of the state. A
93 18 license shall expire one year from date of issue. A license
93 19 is renewable.

93 20 Sec. 210. Section 137F.1, subsection 7, Code 2007, is
93 21 amended by striking the subsection.

93 22 Sec. 211. Section 137F.1, subsection 8, unnumbered
93 23 paragraph 1, Code 2007, is amended to read as follows:
93 24 "Food establishment" means an operation that stores,
93 25 prepares, packages, serves, vends, or otherwise provides food
93 26 for human consumption and includes a food service operation in
93 27 a salvage or distressed food operation, school, summer camp,
93 28 residential service substance abuse treatment facility,
93 29 halfway house substance abuse treatment facility, correctional
93 30 facility operated by the department of corrections, the state
93 31 training school, or the Iowa juvenile home. "Food
93 32 establishment" does not include the following:
93 33 Sec. 212. Section 137F.2, Code 2007, is amended by
93 34 striking the section and inserting in lieu thereof the
93 35 following:

94 1 137F.2 ADOPTION BY RULE.
94 2 The department shall, in accordance with chapter 17A, adopt
94 3 rules setting minimum standards for entities covered under
94 4 this chapter to protect consumers from foodborne illness. In
94 5 so doing, the department may adopt by reference, with or
94 6 without amendment, the United States food and drug
94 7 administration food code, which shall be specified by title
94 8 and edition, date of publication, or similar information. The
94 9 rules and standards shall be formulated in consultation with
94 10 municipal corporations under agreement with the department,
94 11 affected state agencies, and industry, professional, and
94 12 consumer groups.

94 13 Sec. 213. Section 137F.3, Code 2007, is amended to read as
94 14 follows:

94 15 137F.3 AUTHORITY TO ENFORCE.

94 16 1. The director shall regulate, license, and inspect food
94 17 establishments and food processing plants and enforce this
94 18 chapter pursuant to rules adopted by the department in
94 19 accordance with chapter 17A. Municipal corporations shall not
94 20 regulate, license, inspect, or collect license fees from food
94 21 establishments and food processing plants, except as provided
94 22 in this section.

94 23 2. A municipal corporation may enter into an agreement
94 24 with the director to provide that the municipal corporation
94 25 shall license, inspect, and otherwise enforce this chapter
94 26 within its jurisdiction. The director may enter into the
94 27 agreement if the director finds that the municipal corporation
94 28 has adequate resources to perform the required functions. A
94 29 municipal corporation may only enter into an agreement to
94 30 enforce the Iowa food code rules setting minimum standards to
94 31 protect consumers from foodborne illness adopted pursuant to
94 32 this section 137F.2 if it also agrees to enforce the Iowa
94 33 hotel sanitation code pursuant to section 137C.6. However,
94 34 the department shall license and inspect all food processing
94 35 plants which manufacture, package, or label food products. A
95 1 municipal corporation may license and inspect, as authorized
95 2 by this section, food processing plants whose operations are
95 3 limited to the storage of food products.

95 4 3. If the director enters into an agreement with a
95 5 municipal corporation as provided by this section, the
95 6 director shall provide that the inspection practices of a
95 7 municipal corporation are spot-checked on a regular basis.

95 8 4. A municipal corporation that is responsible for
95 9 enforcing this chapter within its jurisdiction pursuant to an
95 10 agreement shall make an annual report to the director
95 11 providing the following information:

95 12 ~~1- a.~~ a. The total number of licenses granted or renewed by
95 13 the municipal corporation under this chapter during the year.

95 14 ~~2- b.~~ b. The number of licenses granted or renewed by the
95 15 municipal corporation under this chapter during the year in
95 16 each of the following categories:

95 17 ~~a- (1)~~ (1) Food establishments.
95 18 ~~b- (2)~~ (2) Food processing plants.
95 19 ~~c- (3)~~ (3) Mobile food units and pushcarts.
95 20 ~~d- (4)~~ (4) Temporary food establishments.
95 21 ~~e- (5)~~ (5) Vending machines.

95 22 ~~3- c.~~ c. The amount of money collected in license fees
95 23 during the year.

95 24 d. The amount expended to perform the functions required
95 25 under the agreement, submitted on a form prescribed by the
95 26 department.

95 27 ~~4. e.~~ Other information the director requests.

95 28 5. The director shall monitor municipal corporations which
95 29 have entered into an agreement pursuant to this section to
95 30 determine if they are enforcing this chapter within their
95 31 respective jurisdictions. If the director determines that
95 32 this chapter is not enforced by a municipal corporation, the
95 33 director may rescind the agreement after reasonable notice and
95 34 an opportunity for a hearing. If the agreement is rescinded,
95 35 the director shall assume responsibility for enforcement in
96 1 the jurisdiction involved.

96 2 6. The inspection staff of a municipal corporation that
96 3 has entered into an agreement with the director to enforce
96 4 this chapter shall be required by the department to apply the
96 5 current rules setting minimum standards to protect consumers
96 6 from foodborne illness adopted pursuant to section 137F.2 to
96 7 ensure consistency in application of the rules. A municipal
96 8 corporation's failure to comply may result in the department
96 9 rescinding the agreement with the municipal corporation, after
96 10 reasonable notice and an opportunity for a hearing.

96 11 Sec. 214. Section 137F.3A, Code 2007, is amended to read
96 12 as follows:

96 13 137F.3A MUNICIPAL CORPORATION INSPECTIONS == CONTINGENT
96 14 APPROPRIATION.

96 15 1. If a municipal corporation operating pursuant to a
96 16 chapter 28E agreement with the department of inspections and
96 17 appeals to enforce this chapter and chapters 137C and 137D
96 18 either fails to renew the agreement effective after ~~July 1,~~
96 19 ~~2005, but before July 1, 2007, April 1, 2007,~~ or discontinues
96 20 ~~prior to July 1, 2007, after April 1, 2007,~~ enforcement
96 21 activities in one or more jurisdictions during the agreement
96 22 time frame, or the department of inspections and appeals
96 23 cancels an agreement ~~prior to July 1, 2007, after April 1,~~
96 24 ~~2007,~~ due to noncompliance with the terms of the agreement,
96 25 the department of inspections and appeals may employ
96 26 additional full-time equivalent positions ~~for the fiscal years~~
96 27 ~~ending prior to July 1, 2007,~~ to enforce the provisions of the
96 28 chapters, with the approval of the department of management.
96 29 Before approval is given, the director of the department of
96 30 management shall determine that the expenses exceed the funds
96 31 budgeted by the general assembly for food inspections to the
96 32 department of inspections and appeals. The department of
96 33 inspections and appeals may hire no more than one full-time
96 34 equivalent position for each six hundred inspections required
96 35 pursuant to this chapter and chapters 137C and 137D.

97 1 2. Notwithstanding chapter 137D, and sections 137C.9 and
97 2 137F.6, if the conditions described in this section are met,
97 3 fees imposed pursuant to that chapter and those sections shall
97 4 be retained by and are appropriated to the department of
97 5 inspections and appeals ~~for the each fiscal years ending prior~~
97 6 ~~to July 1, 2007, year~~ to provide for salaries, support,
97 7 maintenance, and miscellaneous purposes associated with the
97 8 additional inspections. The appropriation made in this
97 9 subsection is not applicable in a fiscal year for which the
97 10 general assembly enacts an appropriation made for the purposes
97 11 described in this subsection.

97 12 ~~3. This section is repealed July 1, 2007.~~

97 13 Sec. 215. Section 137F.6, Code 2007, is amended to read as
97 14 follows:

97 15 137F.6 LICENSE FEES.

97 16 1. The regulatory authority shall collect the following
97 17 annual license fees:

97 18 ~~1. a.~~ For a mobile food unit or pushcart, ~~twenty~~
97 19 ~~twenty-seven~~ dollars.

97 20 ~~2. b.~~ For a temporary food establishment per fixed
97 21 location, ~~twenty-five thirty-three dollars and fifty cents.~~

97 22 ~~3. c.~~ For a vending machine, twenty dollars for the first
97 23 machine and five dollars for each additional machine.

97 24 ~~4. d.~~ For a food establishment which prepares or serves
97 25 food for individual portion service intended for consumption
97 26 on-the-premises, the annual license fee shall correspond to
97 27 the annual gross food and beverage sales of the food
97 28 establishment, as follows:

97 29 ~~a. (1)~~ Annual gross sales of under fifty thousand
97 30 dollars, ~~fifty sixty-seven dollars and fifty cents.~~

97 31 ~~b. (2)~~ Annual gross sales of at least fifty thousand
97 32 dollars but less than one hundred thousand dollars,
97 33 ~~eighty-five~~ one hundred fourteen dollars and fifty cents.

97 34 ~~c. (3)~~ Annual gross sales of at least one hundred

97 35 thousand dollars but less than two hundred fifty thousand
98 1 dollars, ~~one hundred seventy-five~~ two hundred thirty-six
98 2 dollars and twenty-five cents.
98 3 ~~d. (4)~~ Annual gross sales of two hundred fifty thousand
98 4 dollars but less than five hundred thousand dollars, two
98 5 hundred ~~seventy-five~~ dollars.
98 6 ~~e. (5)~~ Annual gross sales of five hundred thousand
98 7 dollars or more, ~~two hundred twenty-five~~ three hundred three
98 8 dollars and seventy-five cents.
98 9 ~~5. e.~~ For a food establishment which sells food or food
98 10 products to consumer customers intended for preparation or
98 11 consumption off-the-premises, the annual license fee shall
98 12 correspond to the annual gross food and beverage sales of the
98 13 food establishment, as follows:
98 14 ~~a. (1)~~ Annual gross sales of under ten thousand dollars,
98 15 ~~thirty forty~~ dollars and fifty cents.
98 16 ~~b. (2)~~ Annual gross sales of at least ten thousand
98 17 dollars but less than two hundred fifty thousand dollars,
98 18 ~~seventy-five~~ one hundred one dollars and twenty-five cents.
98 19 ~~c. (3)~~ Annual gross sales of at least two hundred fifty
98 20 thousand dollars but less than five hundred thousand dollars,
98 21 ~~one hundred fifteen~~ one hundred fifty-five dollars and
98 22 twenty-five cents.
98 23 ~~d. (4)~~ Annual gross sales of at least five hundred
98 24 thousand dollars but less than seven hundred fifty thousand
98 25 dollars, ~~one hundred fifty~~ two hundred two dollars and fifty
98 26 cents.
98 27 ~~e. (5)~~ Annual gross sales of seven hundred fifty thousand
98 28 dollars or more, ~~two hundred twenty-five~~ three hundred three
98 29 dollars and seventy-five cents.
98 30 ~~6. f.~~ For a food processing plant, the annual license fee
98 31 shall correspond to the annual gross food and beverage sales
98 32 of the food processing plant, as follows:
98 33 ~~a. (1)~~ Annual gross sales of under fifty thousand
98 34 dollars, ~~fifty sixty-seven~~ dollars and fifty cents.
98 35 ~~b. (2)~~ Annual gross sales of at least fifty thousand
99 1 dollars but less than two hundred fifty thousand dollars, one
99 2 hundred ~~thirty-five~~ dollars.
99 3 ~~c. (3)~~ Annual gross sales of at least two hundred fifty
99 4 thousand dollars but less than five hundred thousand dollars,
99 5 ~~one hundred fifty~~ two hundred two dollars and fifty cents.
99 6 ~~d. (4)~~ Annual gross sales of five hundred thousand
99 7 dollars or more, ~~two hundred fifty~~ three hundred thirty-seven
99 8 dollars and fifty cents.
99 9 ~~7. g.~~ For a farmers market where potentially hazardous
99 10 food is sold or distributed, one seasonal license fee of one
99 11 hundred dollars for each vendor on a countywide basis.
99 12 A food establishment covered by ~~subsections 4 and 5~~
99 13 paragraphs "d" and "e" shall be assessed license fees not to
99 14 exceed ~~seventy-five~~ percent of the total fees applicable under
99 15 both ~~subsections~~ paragraphs.
99 16 2. If an establishment licensed under subsection 1,
99 17 paragraph "d" or "e", has had a person in charge for the
99 18 entire previous twelve-month period who holds an active
99 19 certified food protection manager certificate from a program
99 20 approved by the conference on food protection and the
99 21 establishment has not been issued a critical violation during
99 22 the previous twelve-month period, the establishment's license
99 23 fee for the current renewal period shall be reduced by fifty
99 24 dollars.
99 25 3. Fees collected by the department shall be deposited in
99 26 the general fund of the state. Fees collected by a municipal
99 27 corporation shall be retained by the municipal corporation for
99 28 regulation of food establishments and food processing plants
99 29 licensed under this chapter.
99 30 4. Each vending machine licensed under this chapter shall
99 31 bear a readily visible identification tag or decal provided by
99 32 the licensee, containing the licensee's business address and
99 33 phone number, and a company license number assigned by the
99 34 regulatory authority.
99 35 Sec. 216. Section 137F.10, Code 2007, is amended to read
100 1 as follows:
100 2 137F.10 REGULAR INSPECTIONS.
100 3 The appropriate regulatory authority shall provide for the
100 4 inspection of each food establishment and food processing
100 5 plant in this state in accordance with this chapter and with
100 6 rules adopted pursuant to this chapter in accordance with
100 7 chapter 17A. A regulatory authority may enter a food
100 8 establishment or food processing plant at any reasonable hour
100 9 to conduct an inspection. The manager or person in charge of
100 10 the food establishment or food processing plant shall afford

100 11 free access to every part of the premises and render all aid
100 12 and assistance necessary to enable the regulatory authority to
100 13 make a thorough and complete inspection. As part of the
100 14 inspection process, the regulatory authority shall provide an
100 15 explanation of the violation or violations cited and provide
100 16 guidance as to actions for correction and elimination of the
100 17 violation or violations.

100 18 Sec. 217. NEW SECTION. 137F.11A POSTING OF INSPECTION
100 19 REPORTS.

100 20 An establishment inspected under this chapter shall post
100 21 the most recent routine inspection report, along with any
100 22 current complaint or reinspection reports, in a location at
100 23 the establishment that is readily visible to the public.

100 24 Sec. 218. Section 196.3, Code 2007, is amended to read as
100 25 follows:

100 26 196.3 EGG HANDLER'S LICENSE AND FEE.

100 27 1. Every egg handler shall obtain an annual license from
100 28 the department. The fee for the license shall be determined
100 29 on the basis of the total number of eggs purchased or handled
100 30 during the preceding month of April in each calendar year as
100 31 follows:

100 32 1- a. Less than one hundred twenty-five
100 33 cases \$ ~~15.00~~
100 34 20.20

100 35 2- b. One hundred twenty-five cases or
101 1 more but less than two hundred fifty
101 2 cases \$ ~~35.00~~
101 3 47.25

101 4 3- c. Two hundred fifty cases or more but
101 5 less than one thousand cases \$ ~~50.00~~
101 6 67.50

101 7 4- d. One thousand cases or more but less
101 8 than five thousand cases \$ ~~100.00~~
101 9 135.00

101 10 5- e. Five thousand cases or more but less
101 11 than ten thousand cases \$ ~~175.00~~
101 12 236.25

101 13 6- f. Ten thousand cases or more \$ ~~250.00~~
101 14 337.50

101 15 2. The license shall expire one year after its date of
101 16 issue. For the purpose of determining fees, a case shall be
101 17 thirty dozen eggs. All fees collected shall be remitted to
101 18 the treasurer of state for deposit in the general fund of the
101 19 state.

101 20 3. If an egg handler is not operating during the month of
101 21 April, the department shall estimate the volume of eggs
101 22 purchased or handled, or both, and may revise the fee based on
101 23 three months of operation.

101 24 Sec. 219. Section 331.756, subsection 32, Code 2007, is
101 25 amended to read as follows:

101 26 32. Assist the department of inspections and appeals in
101 27 the enforcement of the Iowa food code rules setting minimum
101 28 standards to protect consumers from foodborne illness adopted
101 29 pursuant to section 137F.2 and the Iowa hotel sanitation code,
101 30 as provided in sections 137F.19 and 137C.30.

101 31 Sec. 220. FOOD CODE APPLICABILITY == TEMPORARY PROVISIONS.
101 32 Pending the adoption of rules pursuant to section 137F.2, as
101 33 amended by this division of this Act, the 1997 edition of the
101 34 United States food and drug administration food code, with the
101 35 amendments or exceptions thereto in effect prior to the
102 1 effective date of this division of this Act, shall continue in
102 2 effect.

102 3 Sec. 221. EFFECTIVE DATE. The section of this division of
102 4 this Act amending section 137F.3A, being deemed of immediate
102 5 importance, takes effect upon enactment.

102 6 DIVISION IX
102 7 ABSENTEE BALLOT AFFIDAVITS

102 8 Sec. 222. Section 39A.4, subsection 1, paragraph c,
102 9 subparagraphs (11) and (12), Code 2007, as amended by 2007
102 10 Iowa Acts, House File 848, section 20, are amended to read as
102 11 follows:

102 12 (11) Returning a voted absentee ballot, by mail or in
102 13 person, to the commissioner's office and the person returning
102 14 the ballot is not the voter, ~~an immediate family member~~
102 15 ~~authorized by the voter to return the ballot, an absentee~~
102 16 ~~ballot courier the voter's designee, or a special precinct~~
102 17 ~~election official designated pursuant to section 53.22,~~
102 18 ~~subsection 1, or the designee of a voter described in section~~
102 19 ~~53.22, subsection 5.~~

102 20 (12) Making a false or untrue statement reporting that a
102 21 voted absentee ballot was returned to the commissioner's

102 22 office, by mail or in person, by a person other than the
102 23 voter, ~~an immediate family member authorized by the voter to~~
102 24 ~~return the ballot, an absentee ballot courier the voter's~~
102 25 ~~designee, or a special precinct election official designated~~
102 26 ~~pursuant to section 53.22, subsection 1, or the designee of a~~
102 27 ~~voter described in section 53.22, subsection 5.~~

102 28 Sec. 223. Section 53.8, subsection 2, Code 2007, as
102 29 amended by 2007 Iowa Acts, House File 848, section 25, is
102 30 amended to read as follows:

102 31 2. a. The commissioner shall enclose with the absentee
102 32 ballot a statement informing the applicant that the sealed
102 33 carrier envelope may be mailed to the commissioner by the
102 34 registered voter or the voter's designee or may be personally
102 35 delivered to the commissioner's office by the registered voter
103 1 or the voter's designee. The statement shall also inform the
103 2 voter that the voter may request that the voter's designee
103 3 complete a receipt when retrieving the ballot from the voter.
103 4 A blank receipt shall be enclosed with the absentee ballot.

103 5 b. If an application is received so late that it is
103 6 unlikely that the absentee ballot can be returned in time to
103 7 be counted on election day, the commissioner shall enclose
103 8 with the absentee ballot a statement to that effect. The
103 9 statement shall also point out that it is possible for the
103 10 applicant, an immediate family member of the applicant, or the
103 11 applicant's designee if the absentee ballot is voted by a
103 12 voter described in section 53.22, subsection 5, to personally
103 13 deliver the completed absentee ballot to the office of the
103 14 commissioner at any time before the closing of the polls on
103 15 election day. The statement shall also point out that it is
103 16 possible for an absentee ballot courier to personally deliver
103 17 the completed absentee ballot to the office of the
103 18 commissioner within seventy-two hours of retrieving the
103 19 completed ballot or before the closing of the polls on
103 20 election day, whichever is earlier.

103 21 Sec. 224. Section 53.10, unnumbered paragraph 2, Code
103 22 2007, is amended to read as follows:

103 23 Each person who wishes to vote by absentee ballot at the
103 24 commissioner's office shall first sign an application for a
103 25 ballot including the following information: name, current
103 26 address, and the election for which the ballot is requested.
103 27 The person may report a change of address or other information
103 28 on the person's voter registration record at that time. The
103 29 registered voter shall immediately mark the ballot; enclose
103 30 the ballot in a secrecy envelope, if necessary, and seal it in
103 31 a ballot an affidavit envelope; subscribe to the affidavit on
103 32 the reverse side of the envelope; and return the absentee
103 33 ballot to the commissioner. The commissioner shall record the
103 34 numbers appearing on the application and ballot affidavit
103 35 envelope along with the name of the registered voter.

104 1 Sec. 225. Section 53.17, subsection 1, paragraph a, Code
104 2 2007, as amended by 2007 Iowa Acts, House File 848, section
104 3 27, is amended by striking the paragraph and inserting in lieu
104 4 thereof the following:

104 5 a. The sealed carrier envelope may be delivered by the
104 6 registered voter, by the voter's designee, or by the special
104 7 precinct election officials designated pursuant to section
104 8 53.22, subsection 1, to the commissioner's office no later
104 9 than the time the polls are closed on election day. However,
104 10 if delivered by the voter's designee, the envelope shall be
104 11 delivered within seventy-two hours of retrieving it from the
104 12 voter or before the closing of the polls on election day,
104 13 whichever is earlier.

104 14 Sec. 226. Section 53.17, subsection 1, paragraphs b and c,
104 15 Code 2007, are amended to read as follows:

104 16 b. The sealed carrier envelope may be mailed to the
104 17 commissioner by the registered voter, ~~by an immediate family~~
104 18 ~~member of the voter, or by the voter's designee if the ballot~~
104 19 ~~is voted by a voter described in section 53.22, subsection 5.~~
104 20 If mailed by the voter's designee, the envelope must be mailed
104 21 within seventy-two hours of retrieving it from the voter or
104 22 within time to be postmarked not later than the day before the
104 23 election, whichever is earlier.

104 24 c. ~~The sealed carrier envelope may be delivered to the~~
104 25 ~~commissioner by an absentee ballot courier, but only as~~
104 26 ~~provided in subsection 4.~~

104 27 Sec. 227. Section 53.17, subsection 4, Code 2007, is
104 28 amended by striking the subsection and inserting in lieu
104 29 thereof the following:

104 30 4. When a person designated by the voter retrieves a
104 31 completed absentee ballot from the voter, the designee shall,
104 32 upon request of the voter, fill out a receipt to be retained

104 33 by the voter. The state commissioner shall prescribe a form
104 34 for receipts required by this subsection. The receipt shall
104 35 include all of the following:

- 105 1 a. The name of the voter's designee.
- 105 2 b. The date and time the completed absentee ballot was
105 3 received from the voter.
- 105 4 c. The name and date of the election for which the
105 5 absentee ballot is being voted.
- 105 6 d. The name of the political party, candidate, or
105 7 committee for which the designee is acting as an actual or
105 8 implied agent, if applicable.
- 105 9 e. A telephone number at which the voter's designee may be
105 10 contacted.
- 105 11 f. A statement that the completed absentee ballot will be
105 12 delivered to the commissioner's office within seventy-two
105 13 hours of retrieving it from the voter or before the closing of
105 14 the polls on election day, whichever is earlier, or that the
105 15 completed absentee ballot will be mailed to the commissioner
105 16 within seventy-two hours of retrieving it from the voter or
105 17 within time to be postmarked not later than the day before the
105 18 election, whichever is earlier.

105 19 Sec. 228. Section 53.17, subsection 5, Code 2007, is
105 20 amended by striking the subsection.

105 21 Sec. 229. Section 53.18, Code 2007, is amended to read as
105 22 follows:

105 23 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION ==
105 24 REVIEW OF AFFIDAVIT == REPLACEMENT BALLOTS.

~~105 25 1. Upon receipt of When the return carrier envelope
105 26 containing the completed absentee ballot is received by the
105 27 commissioner, the commissioner shall at once record the number
105 28 appearing on the application and return carrier envelope and
105 29 time of receipt of such ballot and attach the elector's
105 30 application to the unopened envelope. Absentee ballots shall
105 31 be stored in a secure place until they are delivered to the
105 32 absentee and special voters precinct board.~~

~~105 33 2. If the commissioner receives the return carrier
105 34 envelope containing the completed absentee ballot by five p.m.
105 35 on the Saturday before the election for general and primary
106 1 elections and by five p.m. on the Friday before the election
106 2 for all other elections, the commissioner shall open the
106 3 envelope to review the affidavit for any deficiencies. If the
106 4 affidavit contains a deficiency that would cause the ballot to
106 5 be rejected, the commissioner shall, within twenty-four hours
106 6 of the time the envelope was received, notify the voter of
106 7 that fact and that the voter may correct the deficiency by
106 8 five p.m. on the day before the election.~~

~~106 9 3. If the affidavit envelope is open when received by the
106 10 commissioner, or has been opened and resealed, or if the
106 11 ballot is not enclosed in the affidavit envelope, the
106 12 commissioner shall immediately notify the voter of that fact
106 13 and that the voter's absentee ballot shall not be counted
106 14 unless the voter applies for a replacement ballot and returns
106 15 the replacement ballot in the time permitted under section
106 16 53.17, subsection 2. The replacement ballot application shall
106 17 be the same as is required for an application under section
106 18 53.2. If the information on the replacement ballot
106 19 application matches the information on the original
106 20 application, the voter shall be allowed to complete a
106 21 replacement absentee ballot. The same serial number that was
106 22 assigned to the records of the original absentee ballot
106 23 application shall be used on the envelope and records of the
106 24 replacement ballot. The affidavit envelope containing the
106 25 completed replacement ballot shall be marked "Replacement
106 26 ballot". The affidavit envelope containing the original
106 27 ballot shall be marked "Defective ballot" and the replacement
106 28 ballot and replacement ballot application shall be attached to
106 29 the original application and affidavit envelope containing the
106 30 original ballot and shall be stored in a secure place until
106 31 they are delivered to the absentee and special voters precinct
106 32 board, notwithstanding sections 53.26 and 53.27.~~

~~106 33 4. The state commissioner of elections shall adopt rules
106 34 for implementation of this section.~~

106 35 Sec. 230. Section 53.19, unnumbered paragraph 3, Code
107 1 2007, is amended to read as follows:

107 2 However, any registered voter who has received an absentee
107 3 ballot and not returned it may surrender the absentee ballot
107 4 to the precinct officials and vote in person at the polls.
107 5 The precinct officials shall mark the uncast absentee ballot
107 6 "void" and return it to the commissioner. Any registered
107 7 voter who has been sent an absentee ballot by mail but for any
107 8 reason has not received it or who has not brought the ballot

107 9 to the polls may appear at the voter's precinct polling place
107 10 on election day and shall cast a ballot in accordance with
107 11 section 49.81. Any registered voter who has been notified by
107 12 the commissioner pursuant to section 53.18 of the need to
107 13 correct a deficiency on the affidavit or to apply for and vote
107 14 a replacement absentee ballot and who has not corrected the
107 15 deficiency or voted a replacement absentee ballot may appear
107 16 at the voter's precinct polling place on election day and
107 17 shall cast a ballot in accordance with section 49.81.

107 18 Sec. 231. Section 53.21, unnumbered paragraph 4, Code
107 19 2007, is amended to read as follows:

107 20 The voter shall enclose one copy of the above statement in
107 21 the return carrier envelope with the ~~ballot~~ affidavit envelope
107 22 and retain a copy for the voter's records.

107 23 Sec. 232. Section 53.23, subsection 3, Code 2007, is
107 24 amended to read as follows:

107 25 3. a. The commissioner shall set the convening time for
107 26 the board, allowing a reasonable amount of time to complete
107 27 counting all absentee ballots by ten p.m. on election day.
107 28 The commissioner may direct the board to meet on the day
107 29 before the election solely for the purpose of reviewing the
107 30 absentee voters' affidavits appearing on the sealed ~~ballot~~
107 31 affidavit envelopes. If in the commissioner's judgment this
107 32 procedure is necessary due to the number of absentee ballots
107 33 received, the members of the board may open the sealed ~~ballot~~
107 34 affidavit envelopes and remove the secrecy envelope containing
107 35 the ballot, but under no circumstances shall a secrecy
108 1 envelope be opened before the board convenes on election day.
108 2 If the ~~ballot~~ affidavit envelopes are opened before election
108 3 day, two observers, one appointed by each of the two political
108 4 parties referred to in section 49.13, subsection 2, shall
108 5 witness the proceedings.

108 6 b. If the board finds any ballot not enclosed in a secrecy
108 7 envelope and the ballot is folded in such a way that any of
108 8 the votes cast on the ballot are visible, the two special
108 9 precinct election officials, one from each of the two
108 10 political parties referred to in section 49.13, subsection 2,
108 11 shall place the ballot in a secrecy envelope. No one shall
108 12 examine the ballot. Each of the special precinct election
108 13 officials shall sign the secrecy envelope.

108 14 Sec. 233. Section 53.24, Code 2007, is amended to read as
108 15 follows:

108 16 53.24 COUNTIES USING VOTING MACHINES.

108 17 In counties which provide the special precinct election
108 18 board with voting machines, the ~~absentee ballot affidavit~~
108 19 envelopes shall be opened by the board and the ballots shall,
108 20 without being unfolded, be thoroughly intermingled, after
108 21 which they shall be unfolded and, under the personal
108 22 supervision of precinct election officials of each of the
108 23 political parties, be registered on voting machines the same
108 24 as if the absent voter had been present and voted in person,
108 25 except that a tally of the write-in votes may be kept in the
108 26 tally list rather than on the machine. When two or more
108 27 political subdivisions in the county are holding separate
108 28 elections simultaneously, the commissioner may arrange the
108 29 machine so that the absentee and provisional ballots for more
108 30 than one election may be recorded on the same machine.

108 31 Sec. 234. Section 53.25, Code 2007, is amended to read as
108 32 follows:

108 33 53.25 REJECTING BALLOT.

108 34 ~~In case if~~ the absentee voter's affidavit is found to be
108 35 insufficient, ~~or that if~~ the applicant is not a duly
109 1 registered voter in such precinct, ~~or that the ballot envelope~~
109 2 ~~is open, or has been opened and resealed, or that if the~~
109 3 ~~ballot affidavit~~ envelope contains more than one ballot of any
109 4 one kind, ~~or that said if the~~ voter has voted in person, such
109 5 vote shall not be accepted or counted. If the affidavit
109 6 envelope is open, or has been opened and resealed, or if the
109 7 ballot is not enclosed in the affidavit envelope, and an
109 8 affidavit envelope with the same serial number and marked
109 9 "Replacement ballot" is not attached as provided in section
109 10 53.18, the vote shall not be accepted or counted.

109 11 If the absentee ballot is rejected prior to the opening of
109 12 the ~~ballot~~ affidavit envelope, the voter casting the ballot
109 13 shall be notified by a precinct election official by the time
109 14 the canvass is completed of the reason for the rejection on a
109 15 form prescribed by the state commissioner of elections.

109 16 Sec. 235. Section 53.27, Code 2007, is amended to read as
109 17 follows:

109 18 53.27 REJECTION OF BALLOT == RETURN OF ENVELOPE.

109 19 If the ballot is rejected, ~~said ballot~~ the affidavit

109 20 envelope, with the affidavit of the voter endorsed thereon,
109 21 shall be returned with ~~said the~~ rejected ballot in the
109 22 envelope endorsed "Defective ballots".
109 23 Sec. 236. Section 53.32, Code 2007, is amended to read as
109 24 follows:
109 25 53.32 BALLOT OF DECEASED VOTER.
109 26 When it shall be made to appear by due proof to the
109 27 precinct election officials that any elector, who has so
109 28 marked and forwarded a ballot, has died before the ~~ballot~~
109 29 affidavit envelope is opened, then the ballot of such deceased
109 30 voter shall be endorsed, "Rejected because voter is dead", and
109 31 be returned to the commissioner; but the casting of the ballot
109 32 of a deceased voter shall not invalidate the election.

109 33 Sec. 237. Section 53.38, Code 2007, is amended to read as
109 34 follows:

109 35 53.38 WHAT CONSTITUTES REGISTRATION.

110 1 Whenever a ballot is requested pursuant to section 53.39 or
110 2 53.45 on behalf of a voter in the armed forces of the United
110 3 States, the affidavit upon the ~~ballot~~ affidavit envelope of
110 4 such voter, if the voter is found to be an eligible elector of
110 5 the county to which the ballot is submitted, shall constitute
110 6 a sufficient registration under chapter 48A. A completed
110 7 federal postcard registration and federal absentee ballot
110 8 request form submitted by such eligible elector shall also
110 9 constitute a sufficient registration under chapter 48A. The
110 10 commissioner shall place the voter's name on the registration
110 11 record as a registered voter if it does not already appear
110 12 there.

110 13 Sec. 238. Section 53.40, unnumbered paragraph 5, Code
110 14 2007, is amended to read as follows:

110 15 If the affidavit on the ~~ballot~~ affidavit envelope shows
110 16 that the affiant is not a qualified voter on the day of the
110 17 election at which the ballot is offered for voting, the
110 18 envelope shall not be opened, but the envelope and ballot
110 19 contained in the envelope shall be preserved and returned by
110 20 the precinct election officials to the commissioner, who shall
110 21 preserve them for the period of time and under the conditions
110 22 provided for in sections 50.12 through 50.15 and section
110 23 50.19.

110 24 Sec. 239. Section 53.44, unnumbered paragraph 1, Code
110 25 2007, is amended to read as follows:

110 26 The affidavit on the affidavit envelope used in connection
110 27 with voting by absentee ballot under this division by members
110 28 of the armed forces of the United States need not be notarized
110 29 or witnessed, but the affidavit on ~~the ballot~~ such envelope
110 30 shall be completed and signed by the voter.

110 31 DIVISION X
110 32 CORRECTIVE PROVISIONS

110 33 Sec. 240. Section 8.65, subsection 1, paragraph a,
110 34 subparagraph (6), if enacted by 2007 Iowa Acts, Senate File
110 35 155, is amended to read as follows:

111 1 (6) One member representing the councils of governments
111 2 appointed by the president of the Iowa association of regional
111 3 ~~councils of government~~.

111 4 Sec. 241. Section 35A.15, subsection 2, if enacted by 2007
111 5 Iowa Acts, Senate File 407, section 1, is amended to read as
111 6 follows:

111 7 2. The home ownership assistance program is established to
111 8 continue the program implemented pursuant to ~~2003 Iowa Acts,~~
111 9 ~~chapter 179, section 21, subsection 5, as amended by 2005 Iowa~~
111 10 ~~Acts, chapter 161, section 1, and as amended by 2005 Iowa~~
111 11 ~~Acts, chapter 115, section 37, and continued in accordance~~
111 12 ~~with 2006 Iowa Acts, chapter 1167, sections 3 and 4, and other~~
111 13 ~~appropriations.~~

111 14 Sec. 242. Section 48A.7A, subsection 4, paragraph b, as
111 15 enacted by 2007 Iowa Acts, House File 653, section 2, is
111 16 amended to read as follows:

111 17 b. The form of the written oath required of a person
111 18 attesting to the identity and residency of the registrant
111 19 shall read as follows:

111 20 I, (name of registered voter), do solemnly
111 21 swear or affirm all of the following:

111 22 I am a preregistered voter in this precinct or I registered
111 23 to vote in this precinct today, and a registered voter did not
111 24 sign an oath on my behalf.

111 25 I am a resident of the precinct, ward
111 26 or township, city of, county of, Iowa.

111 27 I reside at (street address) in

111 28 (street address)

111 29 (city or township)

111 30 (city or township)

111 31 I personally know (name of registrant),
111 32 ~~(name of registrant)~~
111 33 and I personally know that (name of
111 34 ~~(name of registrant)~~
111 35 registrant) is a resident of the precinct,
112 1 ward or township, city of, county of
112 2, Iowa.
112 3 I understand that any false statement in this oath is a
112 4 class "D" felony punishable by no more than five years in
112 5 confinement and a fine of at least seven hundred fifty dollars
112 6 but not more than seven thousand five hundred dollars.
112 7
112 8 Signature of Registered Voter
112 9 Subscribed and sworn before me on (date).
112 10
112 11 Signature of Precinct Election Official
112 12 Sec. 243. Section 53.37, subsection 5, Code 2007, as
112 13 amended by 2007 Iowa Acts, House File 848, section 31, to be
112 14 subsection 3, paragraph e, is amended to read as follows:
112 15 e. Citizens of the United States who do not fall under any
112 16 of the categories described in ~~subsections 1 to 4~~ paragraphs
112 17 "a" through "d", but who are entitled to register and vote
112 18 pursuant to section 48A.5, subsection 4.
112 19 Sec. 244. Section 68A.406, subsection 2, unnumbered
112 20 paragraph 2, Code 2007, as amended by 2007 Iowa Acts, Senate
112 21 File 39, section 7, is amended to read as follows:
112 22 ~~Subparagraphs~~ Paragraphs "d", "e", and "f" shall not apply
112 23 to the posting of signs on private property not a polling
112 24 place, except that the placement of a sign on a motor vehicle,
112 25 trailer, or semitrailer, or any attachment to a motor vehicle,
112 26 trailer, or semitrailer parked on public property within three
112 27 hundred feet of a polling place, which sign is more than
112 28 ninety square inches in size, is prohibited.
112 29 Sec. 245. Section 96.5, subsection 5, paragraph c, Code
112 30 2007, as amended by 2007 Iowa Acts, Senate File 272, section
112 31 27, to be subsection 5, paragraph a, subparagraph (3), is
112 32 amended to read as follows:
112 33 (3) A governmental or other pension, retirement or retired
112 34 pay, annuity, or any other similar periodic payment made under
112 35 a plan maintained or contributed to by a base period or
113 1 chargeable employer where, except for benefits under the
113 2 federal Social Security Act or the federal Railroad Retirement
113 3 Act of 1974 or the corresponding provisions of prior law, the
113 4 plan's eligibility requirements or benefit payments are
113 5 affected by the base period employment or the remuneration for
113 6 the base period employment. However, if an individual's
113 7 benefits are reduced due to the receipt of a payment under
113 8 this ~~paragraph~~ subparagraph, the reduction shall be decreased
113 9 by the same percentage as the percentage contribution of the
113 10 individual to the plan under which the payment is made.
113 11 Sec. 246. Section 147.74, subsection 22, Code 2007, as
113 12 amended by 2007 Iowa Acts, Senate File 74, section 61, is
113 13 amended to read as follows:
113 14 22. A sign language interpreter or transliterator licensed
113 15 under chapter 154E and this chapter may use the title
113 16 "licensed sign language interpreter" or the letters "L. I."
113 17 after the person's name.
113 18 Sec. 247. Section 147.98, Code 2007, as amended by 2007
113 19 Iowa Acts, Senate File 74, section 71, is amended to read as
113 20 follows:
113 21 147.98 EXECUTIVE DIRECTOR OF THE BOARD OF PHARMACY.
113 22 The board of pharmacy may employ a full-time executive
113 23 director, who shall not be a member of the ~~examining~~ board, at
113 24 such compensation as may be fixed pursuant to chapter 8A,
113 25 subchapter IV, but the provisions of section 147.22 providing
113 26 for a secretary for each ~~examining~~ board shall not apply to
113 27 the board of pharmacy.
113 28 Sec. 248. Section 148.10, unnumbered paragraph 1, Code
113 29 2007, as amended by 2007 Iowa Acts, Senate File 74, section
113 30 95, is amended to read as follows:
113 31 The board may, in ~~their~~ its discretion, issue a temporary
113 32 certificate authorizing the licensee to practice medicine and
113 33 surgery or osteopathic medicine and surgery in a specific
113 34 location or locations and for a specified period of time if,
113 35 in the opinion of the board, a need exists and the person
114 1 possesses the qualifications prescribed by the board for the
114 2 license, which shall be substantially equivalent to those
114 3 required for licensure under this chapter or chapter 150A, as
114 4 the case may be. The board shall determine in each instance
114 5 those eligible for this license, whether or not examinations
114 6 shall be given, and the type of examinations. No requirements

114 7 of the law pertaining to regular permanent licensure are
114 8 mandatory for this temporary license except as specifically
114 9 designated by the board. The granting of a temporary license
114 10 does not in any way indicate that the person so licensed is
114 11 necessarily eligible for regular licensure or that the board
114 12 in any way is obligated to so license the person.

114 13 Sec. 249. Section 150A.3, subsection 1, paragraph c, Code
114 14 2007, as that section is amended by 2007 Iowa Acts, Senate
114 15 File 74, section 115, is amended to read as follows:

114 16 c. Present to the Iowa department of public health
114 17 satisfactory evidence that the applicant has completed one
114 18 year of internship or resident training in a hospital approved
114 19 for such training by the ~~medical-examiners board~~.

114 20 Sec. 250. Section 151.12, unnumbered paragraph 1, Code
114 21 2007, as amended by 2007 Iowa Acts, Senate File 74, section
114 22 125, is amended to read as follows:

114 23 The board may, in its discretion, issue a temporary
114 24 certificate authorizing the licensee to practice chiropractic
114 25 if, in the opinion of the ~~chiropractic-examiners board~~, a need
114 26 exists and the person possesses the qualifications prescribed
114 27 by the board for the license, which shall be substantially
114 28 equivalent to those required for licensure under this chapter.
114 29 The board shall determine in each instance those eligible for
114 30 this license, whether or not examinations shall be given, the
114 31 type of examinations, and the duration of the license. No
114 32 requirements of the law pertaining to regular permanent
114 33 licensure are mandatory for this temporary license except as
114 34 specifically designated by the board. The granting of a
114 35 temporary license does not in any way indicate that the person
115 1 so licensed is eligible for regular licensure or that the
115 2 board is obligated to so license the person.

115 3 Sec. 251. Section 154.1, unnumbered paragraph 3, Code
115 4 2007, as amended by 2007 Iowa Acts, Senate File 74, section
115 5 142, to be subsection 4, is amended to read as follows:

115 6 4. Therapeutically certified optometrists may employ all
115 7 diagnostic and therapeutic pharmaceutical agents for the
115 8 purpose of diagnosis and treatment of conditions of the human
115 9 eye and adnexa pursuant to this ~~paragraph subsection~~,
115 10 excluding the use of injections other than to counteract an
115 11 anaphylactic reaction, and notwithstanding section 147.107,
115 12 may without charge supply any of the above pharmaceuticals to
115 13 commence a course of therapy. Therapeutically certified
115 14 optometrists may prescribe oral steroids for a period not to
115 15 exceed fourteen days without consultation with a primary care
115 16 physician. Therapeutically certified optometrists shall not
115 17 prescribe oral Imuran or oral Methotrexate. Therapeutically
115 18 certified optometrists may be authorized, where reasonable and
115 19 appropriate, by rule of the board, to employ new diagnostic
115 20 and therapeutic pharmaceutical agents approved by the United
115 21 States food and drug administration on or after July 1, 2002,
115 22 for the diagnosis and treatment of the human eye and adnexa.
115 23 The board shall not be required to adopt rules relating to
115 24 topical pharmaceutical agents, oral antimicrobial agents, oral
115 25 antihistamines, oral antiglaucoma agents, and oral analgesic
115 26 agents. Superficial foreign bodies may be removed from the
115 27 human eye and adnexa. The therapeutic efforts of a
115 28 therapeutically certified optometrist are intended for the
115 29 purpose of examination, diagnosis, and treatment of visual
115 30 defects, abnormal conditions, and diseases of the human eye
115 31 and adnexa, for proper optometric practice or referral for
115 32 consultation or treatment to persons licensed under chapter
115 33 148 or 150A. A therapeutically certified optometrist is an
115 34 optometrist who is licensed to practice optometry in this
115 35 state and who is certified by the board to use the agents and
116 1 procedures authorized pursuant to this ~~paragraph subsection~~.
116 2 A therapeutically certified optometrist shall be provided with
116 3 a distinctive certificate by the board which shall be
116 4 displayed for viewing by the patients of the optometrist.

116 5 Sec. 252. Section 154.3, subsection 5, Code 2007, as
116 6 amended by 2007 Iowa Acts, Senate File 74, section 143, is
116 7 amended to read as follows:

116 8 5. A person applying to be licensed as an optometrist
116 9 after January 1, 1986, shall also apply to be a
116 10 therapeutically certified optometrist and shall, in addition
116 11 to satisfactorily completing all requirements for a license to
116 12 practice optometry, satisfactorily complete a course as
116 13 defined by rule of the board with particular emphasis on the
116 14 examination, diagnosis, and treatment of conditions of the
116 15 human eye and adnexa provided by an institution accredited by
116 16 a regional or professional accreditation organization which is
116 17 recognized or approved by the council on postsecondary

116 18 accreditation of the United States office of education, and
116 19 approved by the board. The rules of the board shall require a
116 20 course including a minimum of forty hours of didactic
116 21 education and sixty hours of approved supervised clinical
116 22 training in the examination, diagnosis, and treatment of
116 23 conditions of the human eye and adnexa. The board may also,
116 24 by rule, provide a procedure by which an applicant who has
116 25 received didactic education meeting the requirements of rules
116 26 adopted pursuant to this subsection at an approved school of
116 27 optometry may apply to the board for a waiver of the didactic
116 28 education requirements of this subsection.

116 29 Sec. 253. Section 284.8, subsection 4, if enacted by 2007
116 30 Iowa Acts, Senate File 277, section 32, is amended to read as
116 31 follows:

116 32 4. A teacher who is not meeting the applicable standards
116 33 and criteria based on a determination made pursuant to
116 34 subsection 3 2 shall participate in an intensive assistance
116 35 program.

117 1 Sec. 254. Section 499.47, subsection 3, Code 2007, as
117 2 amended by 2007 Iowa Acts, Senate File 319, section 5, is
117 3 amended to read as follows:

117 4 3. Upon the expiration or voluntary dissolution of an
117 5 association, the members shall designate three of their number
117 6 as trustees to replace the officers and directors and wind up
117 7 its affairs. The trustees shall have all the powers of the
117 8 board, including the power to sell and convey real or personal
117 9 property and execute conveyances. Within the time fixed in
117 10 their designation, or any extension of that time, the trustees
117 11 shall liquidate the association's assets, pay its debts and
117 12 expenses, and distribute remaining funds among the members.
117 13 Upon distribution of remaining assets the association shall
117 14 stand dissolved and cease to exist. The trustees shall make
117 15 and sign a ~~duplicate~~ report of the dissolution. ~~One copy of~~
117 16 ~~the~~ The report shall be filed with the secretary of state.

117 17 Sec. 255. Section 513B.2, subsection 6, paragraph a,
117 18 subparagraph (4), unnumbered paragraph 1, as enacted by 2007
117 19 Iowa Acts, House File 790, section 4, is amended to read as
117 20 follows:

117 21 The coverages are provided by a policy of group health
117 22 insurance coverage through two or more bona fide associations
117 23 as provided in section 509.1, subsection 7A, which a small
117 24 employer carrier has aggregated as a distinct grouping that
117 25 meets the requirements for a class of business under section
117 26 513B.4. After a distinct grouping of bona fide associations
117 27 is established as a class of business, the small ~~group~~
117 28 ~~employer~~ carrier shall not remove a bona fide association from
117 29 the class based on the claims experience of that association.
117 30 A small employer carrier may condition coverages under such a
117 31 policy of group health insurance coverage on any of the
117 32 following requirements:

117 33 Sec. 256. Section 515.82, Code 2007, as amended by 2007
117 34 Iowa Acts, Senate File 518, section 61, is amended to read as
117 35 follows:

118 1 515.82 SHORT RATES.

118 2 The commissioner of insurance shall prepare and promulgate
118 3 tables of the short rates provided for in sections ~~514.125~~
118 4 ~~515.125~~ and 515.126, for the various kinds and classes of
118 5 insurance governed by the provisions of this chapter, which,
118 6 when promulgated, shall be for the guidance of all companies
118 7 covered in this chapter and shall be the rate to be given in
118 8 any notice therein required. No company shall discriminate
118 9 unfairly between like assureds in the rate or rates so
118 10 provided.

118 11 Sec. 257. Section 715.6, Code 2007, as amended by 2007
118 12 Iowa Acts, Senate File 333, if enacted, is amended to read as
118 13 follows:

118 14 715.6 EXCEPTIONS.

118 15 Sections 715.4 and 715.5 shall not apply to the monitoring
118 16 of, or interaction with, an owner's or an operator's internet
118 17 or other network connection, service, or computer, by a
118 18 telecommunications carrier, cable operator, computer hardware
118 19 or software provider, or provider of information service or
118 20 interactive computer service for network or computer security
118 21 purposes, diagnostics, technical support, maintenance, repair,
118 22 authorized updates of computer software or system firmware,
118 23 authorized remote system management, or detection, criminal
118 24 investigation, or prevention of the use of or fraudulent or
118 25 other illegal activities prohibited in this chapter in
118 26 connection with a network, service, or computer software,
118 27 including scanning for and removing computer software
118 28 prescribed under this chapter. Nothing in this chapter shall

118 29 limit the rights of providers of wire and electronic
118 30 communications under 18 U.S.C. } 2511.
118 31 Sec. 258. 2006 Iowa Acts, chapter 1106, section 1,
118 32 subsection 5, paragraph c, as amended by 2007 Iowa Acts,
118 33 Senate File 272, section 112, is amended to read as follows:
118 34 c. Grants for veterans injured after September 11, 2001,
118 35 but prior to the effective date of this section of this Act
119 1 shall be payable, upon a showing that the veteran would have
119 2 been eligible for payment had the injury occurred on or after
119 3 the effective date of this section of this Act.
119 4 Sec. 259. 2007 Iowa Acts, House File 579, section 3, the
119 5 bill section amending clause, is amended to read as follows:
119 6 SEC. 3. Section 805.6, subsection 1, paragraph a,
119 7 unnumbered paragraph 3, Code 2007, is amended to read as
119 8 follows:
119 9 Sec. 260. 2007 Iowa Acts, Senate File 74, section 43, is
119 10 repealed.
119 11 Sec. 261. 2007 Iowa Acts, Senate File 403, section 29, if
119 12 enacted, is amended to read as follows:
119 13 SEC. 29. EFFECTIVE DATE. The sections of this division of
119 14 this Act enacting section 268.6 and amending section ~~534B.54~~
119 15 543B.54 take effect July 1, 2007.
119 16 Sec. 262. 2007 Iowa Acts, Senate File 535, section 44,
119 17 subsection 1, unnumbered paragraph 1, is amended to read as
119 18 follows:
119 19 If 2007 Iowa Acts, House File 716 is enacted,
119 20 notwithstanding section ~~4.1~~ 4.8, all of the following apply:
119 21
119 22
119 23

JOHN P. KIBBIE
President of the Senate

PATRICK J. MURPHY
Speaker of the House

119 32 I hereby certify that this bill originated in the Senate and
119 33 is known as Senate File 601, Eighty-second General Assembly.
119 34
119 35

MICHAEL E. MARSHALL
Secretary of the Senate

120 4 Approved _____, 2007
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120 8 CHESTER J. CULVER
120 9 Governor